SENATE JOURNAL
62ND LEGISLATURE
FIRST LEGISLATIVE DAY

Helena, Montana — Senate Chambers
January 3, 2011 — State Capitol

Senate convened at 12:00 p.m. Senator Gillan, Co-Dean of the Senate, presiding.

Senator Gillan appointed Pastor Keith Johnson of Helena as Temporary Chaplain and Nancy Clark of Ryegate as Temporary Sergeant-at-Arms.

The colors were presented by the Montana National Guard Honor Guard, followed by the Pledge of Allegiance.

Invocation was given by Pastor Keith Johnson.

Sen. Gillan appointed Marilyn Miller of Helena as temporary Secretary of the Senate.

Secretary Miller called the roll of the newly elected Senators.

Chas Vincent, SD 01
Jon Sonju, SD 04
Verdell Jackson, SD 05
Shannon Augare, SD 08
Anders Blewett, SD 11
Mitch Tropila, SD 12
Edward Buttrey, SD 13
Llew Jones, SD 14
Jim Peterson, SD 15
Rowlie Hutton, SD 17
Frederick Moore, SD 20
Alan Olson, SD 23
Kendall Van Dyk, SD 25
Jeff Essmann, SD 28
Edward Walker, SD 29
Jason Priest, SD 30
Ron Arthun, SD 31
Larry Jent, SD 32
Art Wittich, SD 35
Terry Murphy, SD 39
Mary Caferro, SD 40
Dave Lewis, SD 42
Gene Vuckovich, SD 43
Bob Lake, SD 44
Tom Facey, SD 48
David Wanzenried, SD 49

The Honorable Jim Rice, Justice of the Montana Supreme Court, administered the official oath to the new Senators.

Senator Shockley assumed the chair.

Secretary Miller called the roll of the Senate. Forty-nine Senators were present, with the seat for SD 6 being vacant.

Senator Essmann moved that the Rules of the Senate and the Joint Rules as reflected in SR1 and SJ 1, printed and placed on members' desks this day, be adopted as the temporary operating rules of the 62nd Legislature. The motion carried unanimously.

Senator Brenden nominated Senator Jim Peterson, SD 15, for the office of the President of the Senate of the 62nd Legislature, and moved his election carry with it the name of Senator Bruce Tutvedt, SD 3, for the office of President Pro Tempore. Senator Williams moved that the nominations be closed and that Senator Peterson be elected President of the Senate by acclamation. The motion carried unanimously.

Senator Peterson assumed the Chair. President Peterson introduced his family and addressed the Senate. President Peterson introduced Senator Bruce Tutvedt, Chairman Pro Tempore, who addressed the Senate. President Peterson introduced Senator Carol Williams, Minority Leader, and Senator Jeff Essmann, Majority Leader, who introduced their families and addressed the Senate.

President Peterson introduced Brent Volf, Judith Gap, who performed "The Gift" and a Montana tribute.

REPORTS OF STANDING COMMITTEES

COMMITTEE ON COMMITTEES (Brenden, Chairman)

Agriculture, Livestock, and Irrigation
Steinbeisser, Donald (R) (Ch)
Brown, Taylor (R) (V Ch)
Branae, Gary (D)
Hawks, Bob (D)
Hutton, Rowlie (R)
Larsen, Cliff (D)
Moore, Frederick (Eric) (R)
Murphy, Terry (R)
Ripley, Rick (R)
Stewart-Peregoy, Sharon (D)
Windy Boy, Jonathan (D)

Business, Labor, and Economic Affairs
Balyeat, Joe (R) (Ch)
Jackson, Verdell (R) (V Ch)
Essmann, Jeff (R)
Facey, Tom (D)
Moore, Frederick (Eric) (R)
Steinbeisser, Donald (R)
Stewart-Peregoy, Sharon (D)
Tropila, Mitch (D)
Tutvedt, Bruce (R)
Vuckovich, Gene (D)
Windy Boy, Jonathan (D)

Committee On Committees
Brenden, John (R) (Ch)
Balyeat, Joe (R)
Lewis, Dave (R)
Ripley, Rick (R)
Shockley, Jim (R)
Steinbeisser, Donald (R)

Education and Cultural Resources
Zinke, Ryan (R) (Ch)
Ripley, Rick (R) (V Ch)
Branae, Gary (D)
Brown, Taylor (R)
Essmann, Jeff (R)
Facey, Tom (D)
Hawks, Bob (D)
Lake, Bob (R)
Moore, Frederick (Eric) (R)
Stewart-Peregoy, Sharon (D)

Energy and Telecommunications
Olson, Alan (R) (Ch)
Jackson, Verdell (R) (V Ch)
Augare, Shannon (D)
Erickson, Ron (D)
Essmann, Jeff (R)
Lake, Bob (R)
Moss, Lynda (D)
Priest, Jason (R)
Tropila, Mitch (D)
Van Dyk, Kendall (D)
Vincent, Chas (R)
Walker, Edward (R)

Ethics
Shockley, Jim (R) (Ch)
Barrett, Debby (R)
Larsen, Cliff (D)
Moss, Lynda (D)

Finance and Claims
Lewis, Dave (R) (Ch)
Ripley, Rick (R) (V Ch)
Barrett, Debby (R)
Brenden, John (R)
Brown, Taylor (R)
Buttrey, Edward (R)
Caferro, Mary (D)
Gallus, Steve (D)
Hamlett, Bradley Maxon (D)
Hawks, Bob (D)
Jones, Llew (R)
Keane, Jim (D)
Olson, Alan (R)
Priest, Jason (R)
Sonju, Jon (R)
Walker, Edward (R)
Wanzenried, David (D)
Williams, Carol (D)
Zinke, Ryan (R)

Fish and Game
Brenden, John (R) (Ch)
Balyeat, Joe (R) (V Ch)
Barrett, Debby (R)
Facey, Tom (D)
Gallus, Steve (D)
Hamlett, Bradley Maxon (D)
Hinkle, Greg (R)
Jent, Larry (D)
Shockley, Jim (R)
Wittich, Art (R)

Highways and Transportation
Jones, Llew (R) (Ch)
Sonju, Jon (R) (V Ch)
Arthun, Ron (R)
Blewett, Anders (D)
Buttrey, Edward (R)
Caferro, Mary (D)

Keane, Jim (D)
SD 6 replacement (R)
Tutvedt, Bruce (R)
Vuckovich, Gene (D)
Wanzenried, David (D)
Zinke, Ryan (R)

Judiciary
Shockley, Jim (R) (Ch)
Murphy, Terry (R) (V Ch)
Augare, Shannon (D)
Blewett, Anders (D)
Hinkle, Greg (R)
Hutton, Rowlie (R)
Jent, Larry (D)
Larsen, Cliff (D)
Moss, Lynda (D)
Peterson, Jim (R)
SD 6 replacement (R)
Vincent, Chas (R)

Legislative Administration
Brown, Taylor (R) (Ch)
Buttrey, Edward (R) (V Ch)
Hawks, Bob (D)
Jones, Llew (R)
Larsen, Cliff (D)

Local Government
Sonju, Jon (R) (Ch)
Wittich, Art (R) (V Ch)
Augare, Shannon (D)
Buttrey, Edward (R)
Gallus, Steve (D)
Moss, Lynda (D)
Olson, Alan (R)
Tutvedt, Bruce (R)
Vuckovich, Gene (D)

Natural Resources
Barrett, Debby (R) (Ch)
Hinkle, Greg (R) (V Ch)
Brenden, John (R)
Hamlett, Bradley Maxon (D)
Jackson, Verdell (R)

Kaufmann, Christine (D)
Keane, Jim (D)
Larsen, Cliff (D)
Peterson, Jim (R)
Steinbeisser, Donald (R)
Tropila, Mitch (D)
Vincent, Chas (R)
Walker, Edward (R)
Wanzenried, David (D)

Public Health, Welfare, and Safety
Murphy, Terry (R) (Ch)
Priest, Jason (R) (V Ch)
Caferro, Mary (D)
Gillan, Kim (D)
Hutton, Rowlie (R)
Lewis, Dave (R)
Van Dyk, Kendall (D)

Rules
Essmann, Jeff (R) (Ch)
Olson, Alan (R) (V Ch)
Balyeat, Joe (R)
Blewett, Anders (D)
Brenden, John (R)
Brown, Taylor (R)
Gallus, Steve (D)
Gillan, Kim (D)
Hawks, Bob (D)
Jent, Larry (D)
Keane, Jim (D)
Lewis, Dave (R)
Peterson, Jim (R)
Ripley, Rick (R)
Shockley, Jim (R)
Tutvedt, Bruce (R)
Vincent, Chas (R)
Wanzenried, David (D)
Williams, Carol (D)

State Administration
Shockley, Jim (R) (Ch)
Arthun, Ron (R) (V Ch)
Balyeat, Joe (R)
Blewett, Anders (D)

Jent, Larry (D)
Jones, Llew (R)
SD 6 replacement (R)
Windy Boy, Jonathan (D)

Taxation
Tutvedt, Bruce (R) (Ch)
Lake, Bob (R) (V Ch)
Arthun, Ron (R)
Branae, Gary (D)
Erickson, Ron (D)
Essmann, Jeff (R)
Gillan, Kim (D)
Kaufmann, Christine (D)
Peterson, Jim (R)
Van Dyk, Kendall (D)
Vincent, Chas (R)
Wittich, Art (R)

Senator Brenden moved the adoption of the Committee report. The motion carried unanimously.

Secretary Miller read the report from the Legislative Administration Committee recommending the following staff appointments:

Andersen, Susan, Assistant to the Secretary of the Senate
Armstrong, Bonner, Security
Berger, Rick, Status Tech
Bouchee, Jan, Secretary Aide
Bourquin, Karen, Secretary
Brown, Collin, Minority Aide
Bush, Aubrey, Secretary Aide
Casey, Amanda, Senate Secretary
Christian, Brett, Intern
Clancy, Gilda, Committee Secretary, Education
Clark, Bob, Assistant Sergeant of Arms, Security
Gildroy, Prudence, Committee Secretary, Finance and Claims, Agriculture
Gorshe, Carolyn, Bills Distribution
Halverson, Kendra, Minority Aide
Hill, Betti, Majority Aide
Keim, Linda, Committee Secretary, Business and Labor
Lavinder, Bobby, Secretary Aide
Lundby, Kirk, Committee Secretary, Local Government and Transportation
Lyle, Austin, Minority Aide Intern
McCue, Kevin, Committee Secretary, Fish and Game, Natural Resources
Mead, Brent, Majority Aide
Peterson, Cindy, Journal Clerk

Polhemus, Debra, Secretary Supervisor/Committee Secretary, Taxation
Renaud, Carolyn, Bills Clerk
Ritter, Dan, Amendments Coordinator
Samhammer, Emily, Minority Aide
Sangray, Andy, Security
Schindler, Pam, Committee Secretary, Judiciary
Schott, Tyler, Majority Aide
Sena, Jessica, Majority Aide
Sidor, Dan, Vote Clerk
Speerschneider, Sam, Minority Aide
Spencer, Kathleen, Assistant Sergeant, Supplies
Spencer, Nadine, Secretary, State Administration
Staley, Lynn, Secretary to the President
Srickland, Larry, Security
Taylor, Liane, Committee Secretary, Public Health, Energy & Telecommunications
Trott, Aaron, Reading Clerk
Vance, Shelley, Page Coordinator
Verzani, Lisa, Secretary Aide
Walleser, Audrey, Bills Coordinator/Word Processing Supervisor

Senator Tutvedt moved the adoption of the Legislative Administration report. The motion carried unanimously.

SPECIAL ORDERS OF THE DAY

Secretary Miller read the letter of appointments from the President. Senator Tutvedt moved to approve the President's appointment of Marilyn Miller, Secretary of the Senate, Nancy Clark, Sergeant-at-Arms, and Pastor Keith Johnson, Chaplain to the Senate, for the 62nd Legislature. The motion carried unanimously.

Sen. Essmann moved that the President appoint a select committee to notify His Excellency, the Governor, that the Senate is organized and ready for business. The motion carried unanimously. The President appointed Senator Murphy, Chair, Senator Zinke, Senator Wanzenried and Senator Gallus.

Senator Essmann moved that the President appoint a select committee to notify the Chief Justice and members of the Supreme Court that the Senate is organized and ready for business. The motion carried unanimously. The President appointed Senator Shockley, Chair, Senator Hinkle, Senator Jent and Senator Hamlett.

Senator Essmann moved that the President appoint a select committee to notify the House of Representatives that the Senate is organized and ready for business. The motion carried unanimously. The President appointed Senator Lake, Chair, Senator Olson, Senator Caferro and Senator Kaufmann.

Senator Essmann moved that the Senate stand at ease subject to the call of the Chair, to await the reports of select committees. The motion carried unanimously.

MESSAGES FROM THE OTHER HOUSE

The Honorable Committee from the House of Representatives, consisting of Rep. Warburton and Rep. MacDonald, reported the House of Representatives was organized.

REPORTS OF SELECT COMMITTEES

The select committee appointed to notify the Governor reported they had discharged their duty.

The select committee appointed to notify the Supreme Court reported they had discharged their duty.

The select committee appointed to notify the House of Representatives reported they had discharged their duty.

MOTIONS

Senator Essmann moved that the accredited members of the press, radio and television be granted the privilege of the Senate floor subject to the rules. The motion carried unanimously.

FIRST READING AND COMMITMENT OF BILLS

SB 1, introduced by Tutvedt, referred to Taxation.
SB 2, introduced by Caferro, referred to Public Health, Welfare and Safety.
SB 3, introduced by Hawks (by request of the Education and Local Government Interim Committee), referred to Education and Cultural Resources.
SB 4, introduced by Lewis, referred to Judiciary.
SB 5, introduced by Brown, referred to Agriculture, Livestock and Irrigation.
SB 6, introduced by Keane, referred to Taxation.
SB 7, introduced by Keane, referred to Energy and Telecommunications.
SB 8, introduced by Murphy (by request of the Water Policy Committee), referred to Natural Resources.
SB 9, introduced by Keane (by request of the Environmental Quality Council), referred to Natural Resources.
SB 10, introduced by Hinkle (by request of the Law and Justice Interim Committee), referred to Judiciary.
SB 11, introduced by Erickson (by request of the Revenue and Transportation Interim Committee), referred to Taxation.
SB 12, introduced by Erickson (by request of the Revenue and Transportation Interim Committee), referred to Taxation.
SB 13, introduced by Brenden, Hinkle, Hutton, Ripley, Shockley, Sonju, Steinbeisser, Vincent, Jones, referred to Finance and Claims.

SB 14, introduced by Lewis, referred to Highways and Transportation.
SB 15, introduced by Jent (by request of the Law and Justice Interim Committee), referred to Judiciary.
SB 16, introduced by Brown, referred to Business, Labor, and Economic Affairs.
SB 17, introduced by Shockley, referred to Judiciary.
SB 18, introduced by Shockley, referred to Judiciary.
SB 19, introduced by Shockley, referred to Judiciary.
SB 20, introduced by Shockley, referred to Energy and Telecommunications.
SB 21, introduced by Shockley, referred to Judiciary.
SB 22, introduced by Essmann (by request of the Revenue and Transportation Interim Committee), referred to Taxation.
SB 23, introduced by Blewett, referred to Business, Labor, and Economic Affairs.
SB 24, introduced by Shockley, referred to Judiciary.
SB 25, introduced by Kaufmann (by request of the Children, Families, Health, and Human Services Interim Committee), referred to Public Health, Welfare and Safety.
SB 26, introduced by Blewett, referred to Judiciary.
SB 27, introduced by Kaufmann, referred to Business, Labor, and Economic Affairs.
SB 28, introduced by Kaufmann (by request of the Children, Families, Health, and Human Services Interim Committee), referred to Public Health, Welfare and Safety.
SB 29, introduced by Moss (by request of the Law and Justice Interim Committee), referred to Judiciary.
SB 30, introduced by Wanzenried (by request of the Department of Environmental Quality), referred to Natural Resources.
SB 31, introduced by Wanzenried (by request of the Code Commissioner), referred to State Administration.
SB 32, introduced by Wanzenried (by request of the Legislative Council), referred to Business, Labor, and Economic Affairs.
SB 33, introduced by Wanzenried (by request of the Secretary of State), referred to State Administration.
SB 34, introduced by Essmann (by request of the Legislative Council), referred to Legislative Administration.
SB 35, introduced by Hamlett (by request of the Environmental Quality Council and the Water Policy Committee), referred to Natural Resources.
SB 36, introduced by Hamlett (by request of the Water Policy Committee), referred to Judiciary.
SB 37, introduced by Hawks (by request of the Office of Budget and Program Planning), referred to Public Health, Welfare and Safety.
SB 38, introduced by Hawks (by request of the Department of Natural Resources and Conservation), referred to Natural Resources.
SB 39, introduced by Shockley (by request of the Law and Justice Interim Committee), referred to Judiciary.
SB 40, introduced by Shockley (by request of the Law and Justice Interim Committee), referred to Judiciary.
SB 41, introduced by Shockley (by request of the Law and Justice Interim Committee), referred to Judiciary.

SB 42, introduced by Shockley (by request of the Law and Justice Interim Committee), referred to Judiciary.
SB 43, introduced by Keane (by request of the Department of Fish, Wildlife, and Parks), referred to Fish and Game.
SB 44, introduced by Brown (by request of the Office of Public Instruction), referred to Education and Cultural Resources.
SB 45, introduced by Lewis (by request of the Secretary of State), referred to State Administration.
SB 46, introduced by Tropila (by request of the Office of Budget and Program Planning), referred to Judiciary.
SB 47, introduced by Vincent (by request of the Environmental Quality Council), referred to Natural Resources.
SB 48, introduced by Branae (by request of the Secretary of State), referred to State Administration.
SB 49, introduced by Branae, referred to Highways and Transportation.
SB 50, introduced by Gallus (by request of the Legislative Finance Committee), referred to Judiciary.
SB 51, introduced by Tropila (by request of the Legislative Audit Committee), referred to Business, Labor, and Economic Affairs.
SB 52, introduced by Tropila (by request of the Legislative Audit Committee), referred to State Administration.
SB 53, introduced by Balyeat (by request of the State Administration and Veterans' Affairs Interim Committee), referred to State Administration.
SB 54, introduced by Balyeat (by request of the State Administration and Veterans' Affairs Interim Committee), referred to State Administration.
SB 55, introduced by Jent (by request of the Secretary of State), referred to State Administration.
SB 56, introduced by Jent (by request of the State Administration and Veterans' Affairs Interim Committee), referred to State Administration.
SB 57, introduced by Vuckovich (by request of the Department of Justice), referred to Judiciary.
SB 58, introduced by Moss (by request of the Law and Justice Interim Committee), referred to Judiciary.
SB 59, introduced by Moss (by request of the Capitol Complex Advisory Council), referred to State Administration.
SB 60, introduced by Gillan (by request of the Department of Justice), referred to Judiciary.
SB 61, introduced by Moss (by request of the Department of Justice), referred to Judiciary.
SB 62, introduced by Jones (by request of the Public Service Commission), referred to Energy and Telecommunications.
SB 63, introduced by Steinbeisser (by request of the Secretary of State), referred to Business, Labor, and Economic Affairs.
SB 64, introduced by Steinbeisser (by request of the Department of Administration), referred to Business, Labor, and Economic Affairs.
SB 65, introduced by Jackson (by request of the Energy and Telecommunications Interim Committee), referred to Energy and Telecommunications.
SB 66, introduced by Lake (by request of the Education and Local Government Interim Committee), referred to Education and Cultural Resources.
SB 67, introduced by Shockley (by request of the Supreme Court), referred to Judiciary.

SB 68, introduced by Jent (by request of the Department of Justice), referred to Judiciary.
SB 69, introduced by Wanzenried (by request of the Capitol Complex Advisory Council), referred to State Administration.
SB 70, introduced by Wanzenried (by request of the Governor), referred to Taxation.
SB 71, introduced by Hawks (by request of the Office of Public Instruction), referred to Education and Cultural Resources.
SB 72, introduced by Gillan (by request of the Department of Corrections), referred to Judiciary.
SB 73, introduced by Murphy (by request of the Department of Public Health and Human Services), referred to Public Health, Welfare and Safety.
SB 74, introduced by Steinbeisser (by request of the Department of Agriculture), referred to Agriculture, Livestock and Irrigation.
SB 75, introduced by Sonju (by request of the Department of Revenue), referred to Taxation.
SB 76, introduced by Jent (by request of the Department of Public Health and Human Services), referred to Judiciary.
SB 77, introduced by Branae (by request of the Department of Revenue), referred to Taxation.
SB 78, introduced by Ripley (by request of the State Auditor), referred to Business, Labor, and Economic Affairs.
SB 79, introduced by Branae (by request of the Office of Public Instruction), referred to Education and Cultural Resources.
SB 80, introduced by Blewett (by request of the Governor), referred to Education and Cultural Resources.
SB 81, introduced by Wanzenried (by request of the Department of Justice), referred to Highways and Transportation.
SB 82, introduced by Hamlett (by request of the Department of Justice), referred to Highways and Transportation
SB 83, introduced by Brenden, referred to Fish and Game.
SB 84, introduced by Brenden, referred to Fish and Game.
SB 85, introduced by Larsen, referred to Local Government.
SB 86, introduced by Hawks, referred to Natural Resources.
SB 87, introduced by Steinbeisser, referred to Natural Resources.
SB 88, introduced by Facey, referred to Education and Cultural Resources.
SB 89, introduced by Wittich, referred to Natural Resources.
SB 90, introduced by Essmann, referred to Fish and Game.
SB 91, introduced by Brown, referred to Local Government.
SB 92, introduced by Jent, referred to Fish and Game.
SB 93, introduced by Erickson, referred to Energy and Telecommunications.
SB 94, introduced by Erickson, referred to Taxation.
SB 95, introduced by Shockley, referred to Local Government.
SB 96, introduced by Gillan, referred to Energy and Telecommunications.
SB 97, introduced by Shockley, referred to Judiciary.
SB 98, introduced by Brenden, referred to Taxation.
SB 99, introduced by Brenden, referred to Fish and Game.
SB 100, introduced by Shockley, referred to Natural Resources.
SB 101, introduced by Jackson, referred to Business, Labor, and Economic Affairs.

The following Senate joint resolutions were introduced, read first time, and referred to committees:

SJR 1, introduced by Essmann (by request of the Joint Rules Committee), referred to Rules.
SJR 2, introduced by Lewis, referred to Judiciary.
SJR 3, introduced by Wanzenried (by request of the Legislative Council), referred to Legislative Administration.
SJR 4, introduced by Wittich, referred to Energy and Telecommunications.
SJR 5, introduced by Wittich, referred to Energy and Telecommunications.

The following Senate resolutions were introduced, read first time, and referred to committees:

SR 1, introduced by Essmann (by request of the Senate Rules Standing Committee), referred to Rules.

SPECIAL ORDERS OF THE DAY

Senator Essmann introduced the newly elected Republican Senators:

Ron Arthun
Ed Buttrey
Rowlie Hutton
Llew Jones
Bob Lake
Eric Moore
Alan Olson
Jason Priest
Jon Sonju
Chas Vincent
Edward Walker
Art Wittich

Senator Williams introduced the newly elected Democrat Senators:

Shannon Augare
Anders Blewett
Mary Caferro
Tom Facey
Kendall Van Dyk
Gene Vuckovich

Each new Senator spoke to the body.

President Peterson recognized the Senators' families and members of the military.

ANNOUNCEMENTS

Senator Essmann reviewed the Senators' schedule for the week.

SPECIAL ORDERS OF THE DAY

Senators introduced their family and friends.

Mr. Volf sang his version of "Oh Beautiful."

Committee meetings were announced by the committee chairs.

Majority Leader Essmann moved that the Senate adjourn until 1:00 p.m., Tuesday, January 4, 2011. Motion carried.

Senate adjourned at 2:10 p.m.

MARILYN MILLER
Secretary of the Senate

JIM PETERSON
President of the Senate

SENATE JOURNAL
62ND LEGISLATURE
SECOND LEGISLATIVE DAY

Helena, Montana — Senate Chambers
January 4, 2011 — State Capitol

Senate convened at 1:00 p.m. President Peterson presiding. Invocation by Keith Johnson. Pledge of Allegiance to the Flag.

Roll Call. All members present, SD 6 vacant. Quorum present.

UNFINISHED BUSINESS

Mr. President, I move that the following undersigned names be **ADDED** as sponsors to **SJR 2** Motion carried.

SJR 2 (Lewis Chief Sponsor)
Senators Brenden, Hinkle, Murphy, and Olson.

SPECIAL ORDERS OF THE DAY

Senator Essmann introduced the Majority staff.

Senator Williams introduced the Minority staff.

Sergeant Clark introduced the Sergeant-at-Arms' staff.

Secretary Miller introduced the Senate staff.

ANNOUNCEMENTS

Senator Brown introduced the following Senate pages:

Maggie Fairclough, Helena
Brendan Fox, Helena
John Michael Meuli, Great Falls
Kenzie Lombardi, Missoula

Committee meetings were announced by the committee chairs.

Majority Leader Essmann moved that the Senate adjourn until 1:00 p.m., Wednesday, January 5, 2011. Motion carried.

Senate adjourned at 1:18 p.m.

MARILYN MILLER — JIM PETERSON
Secretary of the Senate — President of the Senate

SENATE JOURNAL
62ND LEGISLATURE
THIRD LEGISLATIVE DAY

Helena, Montana — Senate Chambers
January 5, 2011 — State Capitol

Senate convened at 1:00 p.m. President Peterson presiding. Invocation by Keith Johnson. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Senator Erickson, excused, SD 6 vacant. Quorum present.

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 102, introduced by Vuckovich, referred to Business, Labor, and Economic Affairs.
SB 103, introduced by Jackson, referred to Natural Resources.
SB 104, introduced by Priest, referred to Energy and Telecommunications.
SB 105, introduced by Priest, referred to Energy and Telecommunications.
SB 106, introduced by Priest, referred to Judiciary.
SB 107, introduced by Van Dyk, referred to Fish and Game.
SB 108, introduced by Debby Barrett, referred to Local Government.
SB 109, introduced by Debby Barrett, referred to Natural Resources.
SB 110, introduced by Brenden, referred to Taxation.
SB 111, introduced by Sonju, Jones, Randall, Stahl, Taylor, Vance, referred to Highways and Transportation.

MOTIONS

Mr. President, I move that the following undersigned names be **ADDED** as sponsors to **SJR 2**. Motion carried.

SJR 2 (Lewis Chief Sponsor)
Senators Debby Barrett, Jackson, Lake, Shockley, and Walker.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

President Peterson urged the Lake County Commissioners to appoint a representative for SD 6 as soon as possible.

Majority Leader Essmann moved that the Senate adjourn until 1:00 p.m., Thursday, January 6, 2011. Motion carried.

Senate adjourned at 1:06 p.m.

MARILYN MILLER
Secretary of the Senate

JIM PETERSON
President of the Senate

SENATE JOURNAL
62ND LEGISLATURE
FOURTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
January 6, 2011 — State Capitol

Senate convened at 1:00 p.m. President Peterson presiding. Invocation by Keith Johnson. Pledge of Allegiance to the Flag. Roll Call. All members present, except Senators Augare and Blewett, excused, SD 6 vacant. Quorum present.

REPORTS OF STANDING COMMITTEES

RULES (Essmann, Chairman): 1/6/2011
SJR 1, introduced joint resolution, be amended as follows:

1. Page 11, line 27.
Following: "Preintroduction"
Insert: "of an agency, committee, or individual legislator's bill"

2. Page 19, line 9.
Following: "revenue bill,"
Insert: "a bill proposing a referendum,"

3. Page 19, line 13.
Following: "resolutions,"
Insert: "bills proposing referenda,"

And, as amended, do pass. Report adopted.

SR 1, do pass. Report adopted.

MOTIONS

Senator Essmann moved **SB 34** be moved from the Legislative Administration committee to the State Administration committee. Motion carried.

Senator Essmann moved **SJR 3** be moved from the Legislative Administration committee to the State Administration committee. Motion carried.

Senator Debby Barrett moved **SB 109** be moved from the Natural Resources committee to the Energy and Telecommunications committee. Motion carried.

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 112, introduced by Hinkle, Jones, C. Smith, Stahl, Steinbeisser, Wagner, Warburton, Sonju, Osmundson, Shockley, referred to Fish and Game.
SB 113, introduced by Jent, referred to State Administration.
SB 114, introduced by Hinkle, Brenden, Flynn, Hendrick, Hutton, Jones, Kary, Kennedy, Kerns, Miller, Randall, C. Smith, Sonju, Stahl, Steinbeisser, Warburton, Blasdel, Rosendale, Loney, Skees, Buttrey, Burnett, Zinke, Wagner referred to Judiciary.
SB 115, introduced by Hinkle, Debby Barrett, Brenden, Hamlett, Hendrick, Hutton, Ingraham, Jones, Kennedy, Kerns, Rosendale, C. Smith, Stahl, Steinbeisser, Wagner, Warburton, Wittich, Blasdel, Arthun, Osmundson, Skees, referred to Fish and Game.
SB 116, introduced by Hinkle, Arntzen, Arthun, D. Bennett, Buttrey, Harris, Hinkle, Howard, Hutton, Ingraham, Jackson, Kerns, Osmundson, Randall, Steinbeisser, Wagner, Warburton, C. Smith, Skees, More, referred to Judiciary.
SB 117, introduced by Hinkle, Arntzen, G. Bennett, Harris, Hendrick, Howard, Ingraham, Jackson, Kerns, Knox, McGillvray, O'Neil, Randall, Regier, C. Smith, Vance, Vincent, Warburton, Skees, Osmundson, referred to Local Government.
SB 118, introduced by Jent, referred to Fish and Game.
SB 119, introduced by Gallus, referred to Fish and Game.
SB 120, introduced by Brenden, referred to State Administration.
SB 121, introduced by Wanzenried, referred to Judiciary.
SB 122, introduced by Wanzenried, referred to Taxation.
SB 123, introduced by Tutvedt, referred to Judiciary.
SB 124, introduced by Brenden, Ripley, Jent, Menahan, referred to Fish and Game.
SB 125, introduced by Wittich, Arntzen, Balyeat, Hendrick, McGillvray, Miller, C. Smith, Vincent, referred to Public Health, Welfare and Safety.
SB 126, introduced by Larsen, referred to Agriculture, Livestock and Irrigation.
SJR 6, introduced by Olson, Buttrey, Priest, Lewis, Ripley, Hinkle, Brown, Jones, Jackson, Moore, Vincent, Steinbeisser, Zinke, Walker, Tutvedt, Murphy, Arthun, Debby Barrett, Brenden, Hutton, Wittich, Essmann, Olson, Sonju, Keane, McNutt, Cook, G. Bennett, Harris, Howard, McChesney, Regier, Washburn, Read, Wagner, Loney, Rosendale, Welborn, Klock, C. Smith, Blasdel, Osmundson, referred to Natural Resources.

UNFINISHED BUSINESS

Mr. President, I move that the following undersigned name be **ADDED** as sponsor to **SB 52.** Motion carried.

SB 52 (Tropila Chief Sponsor)
Senator Brown.

Mr. President, I move that the following undersigned name be **ADDED** as sponsor to **SB 58.** Motion carried.

SB 58 (Moss Chief Sponsor)
Senator Shockley.

ANNOUNCEMENTS

Sen. Williams wished Rep. Taylor a rapid recovery and congratulated Sen. Hamlett on his college graduation.

Committee meetings were announced by the committee chairs.

Majority Leader Essmann moved that the Senate adjourn until 1:00 p.m., Friday, January 7, 2011. Motion carried.

Senate adjourned at 1:10 p.m.

MARILYN MILLER
Secretary of the Senate

JIM PETERSON
President of the Senate

SENATE JOURNAL
62ND LEGISLATURE
FIFTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
January 7, 2011 — State Capitol

Senate convened at 1:00 p.m. President Peterson presiding. Invocation by Keith Johnson. Pledge of Allegiance to the Flag. Roll Call. All members present, except Senators Jones, Stewart-Peregoy, and C. Williams, excused, SD 6 vacant. Quorum present.

BILLS AND JOURNALS: 1/7/2011

Correctly printed: **SR 1**.
Correctly engrossed: **SJR 1**.

Senators Gillan, Jones, Stewart-Peregoy and Williams present.

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 127, introduced by Debby Barrett, referred to State Administration.
SB 128, introduced by Lake, referred to Local Government.
SB 129, introduced by Lewis, referred to Finance and Claims.
SB 130, introduced by Wanzenried, Driscoll, Belcourt, Boland, Swanson, McClafferty, Dick Barrett, Branae, Hollenbaugh, Gillan, Facey, referred to Business, Labor, and Economic Affairs.
SB 131, introduced by Larsen, referred to Taxation.
SB 132, introduced by Essmann, Hawks, Greef, referred to Public Health, Welfare and Safety.
SB 133, introduced by Debby Barrett, referred to Fish and Game.
SB 134, introduced by Olson, Berry, referred to Fish and Game.
SB 135, introduced by Balyeat, O'Hara, Zinke, Brown, Brenden, Steinbeisser, Hendrick, Miller, Taylor, Kerns, Lewis, Mehlhoff, O'Neil, O'Neil, Walker, Wittich, G. Bennett, Hutton, Keane, Ripley, Hamlett, Washburn, Kary, More, Gallus, Buttrey, Edmunds, Skees, Ehli, Arthun, Vincent, Zinke, Osmundson, Essmann, Priest, Hinkle, Vuckovich, C. Smith, Sonju, Blewett, referred to Fish and Game.
SB 136, introduced by Balyeat, Sonju, Jackson, Steinbeisser, Warburton, Brown, Arthun, Hinkle, Brenden, C. Smith, G. Bennett, Skees, Vincent, Kerns, Taylor, O'Neil, Wittich, O'Hara, Murphy, Essmann, Moore, Gallus, Lewis, Hutton, Ripley, Vuckovich, Washburn, Jent, Zinke, Walker, Ehli, Wagner, Hamlett, Edmunds, Van Dyk, Priest, Blewett, referred to Fish and Game.
SB 137, introduced by Windy Boy, referred to Highways and Transportation.
SB 138, introduced by Jones, referred to State Administration.
SB 139, introduced by Erickson, referred to Highways and Transportation.
SB 140, introduced by Erickson, referred to Highways and Transportation.

UNFINISHED BUSINESS

Mr. President, I move that the following undersigned name be **ADDED** as sponsor to **SB 126** Motion carried.

SB 126 (Larsen Chief Sponsor)
Senator Brown

Sen. Brown thanked the Senate pages for their work during the past week.

Committee meetings were announced by the committee chairs.

Majority Leader Essmann moved that the Senate adjourn until 8:00 a.m., Saturday, January 8, 2011. Motion carried.

Senate adjourned at 1:07 p.m.

MARILYN MILLER
Secretary of the Senate

JIM PETERSON
President of the Senate

SENATE JOURNAL
62ND LEGISLATURE
SIXTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
January 8, 2011 — State Capitol

Senate convened at 8:00 a.m. President Peterson presiding. Invocation by Chaplain Keith Johnson. Pledge of Allegiance to the Flag. Roll Call. All members present, except Senators Jent, Williams, and Zinke, excused, SD 6 vacant. Quorum present.

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 141, introduced by Gillan, Wilmer, Brown, Shockley, C. Williams, McClafferty, Sesso, Schmidt, Branae, MacDonald, Moss, Blewett, Van Dyk, referred to Education and Cultural Resources.
SB 142, introduced by Debby Barrett, referred to Natural Resources.
SB 143, introduced by Debby Barrett, referred to Agriculture, Livestock and Irrigation.
SB 144, introduced by Brenden, Arthun, J. Peterson, C. Smith, Tutvedt, Hinkle, Brown, Jones, Zinke, Moore, Debby Barrett, Olson, Welborn, Ripley, Vincent, Steinbeisser, Lewis, McNutt, Knudsen, referred to Fish and Game.
SB 145, introduced by Lake, referred to State Administration.
SB 146, introduced by Lake, referred to Local Government.
SB 147, introduced by Facey, referred to Judiciary.
SB 148, introduced by Wittich, Jent, Arthun, Miller, Hendrick, Vincent, Arntzen, Sonju, referred to Agriculture, Livestock and Irrigation.
SB 149, introduced by Essmann, MacLaren, referred to Judiciary.
SB 150, introduced by Wittich, C. Smith, Walker, Balyeat, Sonju, Miller, Hinkle, Jackson, Kerns, Beck, O'Neil, Vance, Rosendale, More, McNiven, Warburton, Regier, Blasdel, Skees, Randall, referred to Judiciary.
SB 151, introduced by Brown, Shockley, referred to Judiciary.
SB 152, introduced by Brown, Shockley, referred to Judiciary.
SB 153, introduced by Jent, referred to Judiciary.

The following Senate joint resolution was introduced, read first time, and referred to committee:

SJR 7, introduced by Brenden, Welborn, Ripley, Vincent, Brown, J. Peterson, Arthun, Tutvedt, Zinke, Hinkle, Wittich, Steinbeisser, Hamlett, Keane, Lewis, C. Smith, McNutt, Debby Barrett, Moore, Olson, Jones, referred to Natural Resources.

ANNOUNCEMENTS

Senator Essmann summarized the schedule for the day's special breakout sessions.

Committee meetings were announced by the committee chairs.

Majority Leader Essmann moved that the Senate adjourn until 1:00 p.m., Monday, January 10, 2011. Motion carried.

Senate adjourned at 8:09 a.m.

MARILYN MILLER
Secretary of the Senate

JIM PETERSON
President of the Senate

SENATE JOURNAL
62ND LEGISLATURE
SEVENTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
January 10, 2011 — State Capitol

Senate convened at 1:00 p.m. President Peterson presiding. Invocation by Chaplain Keith Johnson. Pledge of Allegiance to the Flag. Roll Call. All members present, SD 6 vacant. Quorum present.

Senator Williams announced the Democrats would recess for caucus.

Senator Essmann announced the Republicans would recess for caucus.

Senate reconvened at 1:15 p.m.

REPORTS OF STANDING COMMITTEES

JUDICIARY (Shockley, Chairman): 1/10/2011
SB 19, introduced bill, be amended as follows:

1. Page 2, line 4.
Following: "7-4-2613(1)(c)"
Insert: "and be recorded with the clerk and recorder in each county in which the real property or any part of the real property is located"

And, as amended, do pass. Report adopted.

SB 21, introduced bill, be amended as follows:

1. Page 1, line 12.
Following: the second "or"
Insert: ", if the court does not act,"

And, as amended, do pass. Report adopted.

SB 26, do pass. Report adopted.
SB 41, do pass. Report adopted.
SB 72, do pass. Report adopted.

LEGISLATIVE ADMINISTRATION (Brown, Chairman): 1/10/2011
MR. PRESIDENT:
We, your committee on Legislative Administration recommend that employment of the following attaches of the Senate be terminated as of 12:00 p.m., Saturday, January 8, 2011:

TITLE	NAME
Pages:	Maggie Fairclough, Helena Brendan Fox, Helena John Michael Meuli, Great Falls Kenzie Lombardi, Missoula

and recommend that the following attaches of the Senate be employed as of 8:00 a.m., Monday, January 10, 2011:

TITLE	NAME
Pages:	Teryn Green, Anaconda Nathan Stenson, Billings Tim Koenig, Kalispell Caleb Laszloffy, Laurel

Report adopted.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Essmann moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Peterson in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SR 1 - Senator Essmann moved **SR 1** be adopted. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: SD 6.
Total 1

SJR 1 - Senator Essmann moved **SJR 1** do pass.

SJR 1 - Senator Gillan moved **SJR 1**, second reading copy, be amended as follows:

1. Page 12, line 19.
Strike: "and Bills Proposing Referenda"

2. Page 19, line 10.
Strike: "A BILL PROPOSING A REFERENDUM,"

3. Page 19, line 14.
Strike: "BILLS PROPOSING REFERENDA,"

4. Page 19, line 16.
Strike: "and bills proposing referenda"

Amendment **not** adopted as follows:

Yeas: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Nays: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 27

Absent or not voting: None.
Total 0

Excused: SD 6.
Total 1

SJR 1 - Senator Essmann moved **SJR 1** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Facey, Gallus, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jones, Lake, Larsen, Lewis, Moore, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Williams, Wittich, Zinke, Mr. President.
Total 34

Nays: Blewett, Branae, Caferro, Erickson, Gillan, Jent, Kaufmann, Keane, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 15

Absent or not voting: None.
Total 0

Excused: SD 6.
Total 1

Senator Essmann moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Peterson in the chair. Chairman Essmann moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Branae, Brenden, Brown, Buttrey, Essmann, Gallus, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jones, Lake, Larsen, Lewis, Moore, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Williams, Wittich, Zinke, Mr. President.
Total 34

Nays: Blewett, Caferro, Erickson, Facey, Gillan, Jent, Kaufmann, Keane, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 15

Absent or not voting: None.
Total 0

Excused: SD 6.
Total 1

SPECIAL ORDERS OF THE DAY

Sen. Brown introduced the pages for the week of January 10-15, 2011.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Essmann moved that the Senate adjourn until 1:00 p.m., Tuesday, January 11, 2011. Motion carried.

Senate adjourned at 2:00 a.m.

MARILYN MILLER
Secretary of the Senate

JIM PETERSON
President of the Senate

SENATE JOURNAL
62ND LEGISLATURE
EIGHTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
January 11, 2011 — State Capitol

Senate convened at 1:00 p.m. President Peterson presiding. Invocation by Chaplain Keith Johnson. Pledge of Allegiance to the Flag. Roll Call. All members present, SD 6 vacant. Quorum present.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SJR 1 passed as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Gallus, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Williams, Wittich, Zinke, Mr. President.
Total 32

Nays: Blewett, Branae, Caferro, Erickson, Facey, Gillan, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 17

Absent or not voting: None.
Total 0

Excused: SD 6.
Total 1

BILLS AND JOURNALS: 1/11/2011

Correctly printed: **SB 26**, **SB 41**, **SB 72**, **SJR 1**.
Correctly engrossed: **SB 19**, **SB 21**.

REPORTS OF STANDING COMMITTEES

JUDICIARY (Shockley, Chairman): 1/11/2011
SB 57, do pass. Report adopted.

STATE ADMINISTRATION (Shockley, Chairman): 1/10/2011
SB 31, do pass. Report adopted.

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 154, introduced by Lewis, Shockley, Kaufmann, Williams, MacDonald, Driscoll, Sands, Van Dyk, Wilmer, referred to Public Health, Welfare and Safety.
SB 155, introduced by Hawks, referred to Local Government.
SB 156, introduced by Windy Boy, Stewart-Peregoy, Caferro, Augare, referred to Public Health, Welfare and Safety.
SB 157, introduced by Van Dyk, Hunter, O'Hara, Blewett, Vincent, Gillan, Facey, referred to Fish and Game.

The following Senate joint resolution was introduced, read first time, and referred to committee:

SJR 8, introduced by Hawks, Hollandsworth, Brown, Wilmer, referred to Education and Cultural Resources.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Essmann moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Tropila in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 26 - Senator Blewett moved **SB 26** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: SD 6.
Total 1

SB 41 - Senator Shockley moved **SB 41** do pass. Motion carried as follows:
Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson,

Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: SD 6.
Total 1

SB 72 - Senator Gillan moved **SB 72** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: SD 6.
Total 1

Senator Essmann moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Peterson in the chair. Chairman Tropila moved the Committee of the Whole report be adopted. Report adopted unanimously.

UNFINISHED BUSINESS

Mr. President, I move that the following undersigned name be **ADDED** as sponsor to **SB 46** Motion carried.

SB 46 (Tropila Chief Sponsor)
Senator Brown.

Mr. President, I move that the following undersigned name be **ADDED** as sponsor to **SB 51**
Motion carried.

SB 51 (Tropila Chief Sponsor)
Senator Stahl.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Essmann moved that the Senate adjourn until 1:00 p.m., Wednesday, January 12, 2011. Motion carried.

Senate adjourned at 1:23 p.m.

MARILYN MILLER
Secretary of the Senate

JIM PETERSON
President of the Senate

SENATE JOURNAL
62ND LEGISLATURE
NINTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
January 12, 2011 — State Capitol

Senate convened at 1:00 p.m. President Peterson presiding. Invocation by Chaplain Keith Johnson. Pledge of Allegiance to the Flag. Roll Call. All members present, except Senator Caferro, excused, SD 6 vacant. Quorum present.

BILLS AND JOURNALS: 1/12/2011

Correctly printed: **SB 26**, **SB 31**, **SB 41**, **SB 57**, **SB 72**.
Correctly enrolled: **SR 1**.

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Balyeat, Chairman): 1/11/2011
SB 27, introduced bill, be amended as follows:

1. Page 1, line 29.
Following: "medicine,"
Insert: "acupuncture,"

And, as amended, do pass. Report adopted.

SB 32, do pass. Report adopted.
SB 63, introduced bill, be amended as follows:

1. Page 13, line 17.
Following: "since the"
Insert: "date of"

And, as amended, do pass. Report adopted.

HIGHWAYS AND TRANSPORTATION (Jones, Chairman): 1/11/2011
SB 49, introduced bill, be amended as follows:

1. Title, page 1, line 5.
Following: "PLATES;"
Insert: "DESIGNATING SMALL LICENSE PLATES AS THE DEFAULT SIZE FOR A TRAILER WITH A DECLARED WEIGHT OF LESS THAN 6,000 POUNDS; ALLOWING A PERSON REGISTERING A TRAILER WITH A DECLARED WEIGHT OF LESS THAN 6,000 POUNDS TO CHOOSE LARGE LICENSE PLATES;"

2. Page 2, line 24.
Following: "pole trailers,"
Insert: "trailers with a declared weight of 6,000 pounds or more,"

3. Page 2, line 29.
Strike: "trailers,"
Following: "motorcycles"
Strike: ","

4. Page 2, line 30.
Following: line 30
Insert: "(c) The department shall issue plates that are 4 inches wide and 7 inches in length for trailers with a declared weight of less than 6,000 pounds unless a person registering a trailer with a declared weight of less than 6,000 pounds requests plates that are 6 inches wide and 12 inches in length. A person registering a trailer shall pay all applicable fees for the plates chosen."

And, as amended, do pass. Report adopted.

Senator Caferro present.

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 158, introduced by Facey, referred to Business, Labor, and Economic Affairs.
SB 159, introduced by Priest, referred to Business, Labor, and Economic Affairs.
SB 160, introduced by Vincent, G. Bennett, Cuffe, referred to Fish and Game.
SB 161, introduced by Jackson, Stahl, Regier, Harris, Skattum, Lewis, Steinbeisser, Howard, Kennedy, Kerns, Randall, Ingraham, Sonju, Balyeat, Vincent, Wagner, Brenden, Murphy, Hutton, Read, Beck, Debby Barrett, Taylor, Priest, Flynn, Blasdel, Knudsen, Buttrey, referred to Public Health, Welfare and Safety.

MOTIONS

Senator Murphy moved **SB 154** be moved from the Public Health, Welfare and Safety committee to the Judiciary committee.

Senator Shockley moved **SB 46** be moved from the Judiciary committee to the Business, Labor, and Economic Affairs committee.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Essmann moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Zinke in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 19 - Senator Shockley moved **SB 19** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Lake, Larsen, Lewis, Moore, Moss, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 47

Nays: Keane, Wittich.
Total 2

Absent or not voting: None.
Total 0

Excused: SD 6.
Total 1

SB 21 - Senator Shockley moved **SB 21** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: SD 6.
Total 1

SB 31 - Senator Wanzenried moved **SB 31** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: SD 6.
Total 1

Senator Essmann moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Peterson in the chair. Chairman Zinke moved the Committee of the Whole report be adopted. Report adopted unanimously.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 26 passed as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 48

Nays: Vuckovich.
Total 1

Absent or not voting: None.
Total 0

Excused: SD 6.
Total 1

SB 41 passed as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: SD 6.
Total 1

SB 72 passed as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: SD 6.
Total 1

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Essmann moved that the Senate adjourn until 1:00 p.m., Thursday, January 13, 2011. Motion carried.

Senate adjourned at 1:30 p.m.

MARILYN MILLER
Secretary of the Senate

JIM PETERSON
President of the Senate

SENATE JOURNAL
62ND LEGISLATURE
TENTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
January 13, 2011 — State Capitol

Senate convened at 1:00 p.m. President Peterson presiding. Invocation by Chaplain Keith Johnson. Pledge of Allegiance to the Flag. Roll Call. All members present, SD 6 vacant. Quorum present.

BILLS AND JOURNALS: 1/12/2011

Correctly engrossed: **SB 27**, **SB 49**, **SB 63**.
Correctly enrolled: **SR 1**.
Signed by the President at 11:45 a.m., January 12, 2011: **SR 1**.
Signed by the Secretary of the Senate at 9:57 a.m., January 12, 2011: **SR 1**.
Delivered to the Secretary of State at 2:11 p.m., January 12, 2011: **SR 1**.
Correctly printed: **SB 19**, **SB 21**, **SB 31**, **SB 32**. 1/13/2011

Mr. President: We, your committee on Bills and Journals, having examined the daily journals for the first, second, third, fourth, and fifth legislative days, find the same to be correct.

Senator Brown, Chair

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Balyeat, Chairman): 1/13/2011
SB 23, do pass. Report adopted.

SB 64, introduced bill, be amended as follows:

1. Title, page 1, line 5.
Following: "ACCESS TO"
Insert: "CERTAIN"

2. Page 1, line 17.
Strike: "wholly owned"

3. Page 1, line 18.
Following: "subsidiary bank"
Insert: "to the extent that the records pertain to the operations and financial condition of the subsidiary bank or to the holding company's indebtedness. The authority granted in this section does not authorize the division to regulate or charge assessments to a bank holding company"

And, as amended, do pass. Report adopted.

SB 78, introduced bill, be amended as follows:

1. Page 7, line 3.
Strike: "(8)(b)(i)"
Insert: "(11)(b)(i)"
Strike: "(8)(b)(viii)"
Insert: "(11)(b)(viii)"

2. Page 8, line 19.
Following: "governing"
Strike: "person or"
Following: "persons"
Strike: "of the plan sponsor"

3. Page 9, lines 29 and 30.
Following: "reinsure" on line 29
Insert: ", or cause to be guaranteed, assumed, or reinsured,"
Following: "insurer" on line 29
Strike: "or cause" on line 29 through "reinsured" on line 30

4. Page 10, line 17.
Strike: "individual"
Insert: "nongroup"

5. Page 15, line 24.
Strike: "who is not a member insurer"

6. Page 15, line 24 through line 25.
Strike: "on behalf" on line 24 through "insurer" on line 25

And, as amended, do pass. Report adopted.

JUDICIARY (Shockley, Chairman): 1/13/2011
SB 36, introduced bill, be amended as follows:

1. Title, page 1, line 7.
Following: "RIGHT;"
Insert: "PROHIBITING THE AWARD OF COSTS AND ATTORNEY FEES INCURRED AS A RESULT OF ADMINISTRATIVE PROCEEDINGS;"

2. Page 1, line 16.
Following: "fees."
Insert: "The district court may not award costs or attorney fees incurred as a result of administrative proceedings."

And, as amended, do pass. Report adopted.

SB 60, introduced bill, be amended as follows:

1. Title, page 1, line 5 through line 6.
Strike: "AMENDING" on line 5 through "ALLOW" on line 6
Insert: "ALLOWING"

2. Title, page 1, line 6.
Following: "PARENT"
Strike: "OR"
Insert: ","
Following: "GUARDIAN"
Insert: ", OR CONSERVATOR"
Following: "MINOR"
Strike: "OR AN"
Insert: ","

3. Title, page 1, line 7.
Following: "PERSON"
Insert: ", OR PROTECTED PERSON"
Strike: "SECTION"
Insert: "SECTIONS"
Following: "30-14-1726"
Insert: "AND 30-14-1727"

4. Page 1, line 14.
Following: "individual"
Strike: "or"
Insert: ","

5. Page 1, line 15.
Following: "72-5-101"
Insert: ", or a conservator in the case of a protected person as defined in 72-5-101"

6. Page 2, line 11.
Following: line 10
Insert: "Section 2. Section 30-14-1727, MCA, is amended to read:

"30-14-1727. Placement of security freeze. (1) A consumer may elect to place a security freeze on the consumer's own credit report by making a request:

~~(1)~~(a) in writing by regular or certified mail to a consumer reporting agency at an address designated by the consumer reporting agency to receive the request; or

~~(2)~~(b) directly to the consumer reporting agency through a secure electronic connection specified by the consumer reporting agency ~~by January 31, 2009~~.

(2) A consumer, acting in the capacity of a parent or guardian in the case of a minor or of

an incapacitated person as defined in 72-5-101 or a conservator in the case of a protected person as defined in 72-5-101, may request that a consumer reporting agency place a freeze on the credit report of the minor or incapacitated or protected person by making a request in writing to the consumer reporting agency at an address designated by the consumer reporting agency to receive the request.""

And, as amended, do pass. Report adopted.

LOCAL GOVERNMENT (Sonju, Chairman): 1/12/2011
SB 95, introduced bill, be amended as follows:

1. Page 2, line 8.
Following: "~~and~~"
Insert: "and"
Strike: ", and margin"

2. Page 2, line 9.
Following: "section."
Insert: "If the notarial seal is made by impression of an embosser, the seal is exempt from the margin requirements of this section."

And, as amended, do pass. Report adopted.

NATURAL RESOURCES (Barrett, Chairman): 1/12/2011
SB 30, do pass. Report adopted.
SB 87, do pass. Report adopted.

STATE ADMINISTRATION (Shockley, Chairman): 1/12/2011
SB 59, do pass. Report adopted.

TAXATION (Tutvedt, Chairman): 1/13/2011
SB 12, do pass. Report adopted.

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 162, introduced by Wanzenried, referred to Local Government.
SB 163, introduced by Hawks, referred to Local Government.
SB 164, introduced by Hawks, referred to Local Government.
SB 165, introduced by Balyeat, Olson, Steinbeisser, Windy Boy, Hutton, Brenden, Keane, C. Smith, Vance, Berry, Jackson, Wittich, Hinkle, Stewart-Peregoy, Arthun, Moore, Shockley, Buttrey, Gibson, Essmann, Jones, referred to Business, Labor, and Economic Affairs.

SB 166, introduced by Balyeat, Brown, Hinkle, Steinbeisser, Arthun, Vincent, Olson, Shockley, Wittich, Jones, Jackson, Hutton, Brenden, Blasdel, Moore, Buttrey, Lake, Gibson, Essmann, Walker, referred to Taxation.
SB 167, introduced by Blewett, Wilmer, Branae, Kaufmann, Dick Barrett, Malek, Gallus, Hawks, Hunter, Sesso, Wanzenried, Moss, Hamlett, McClafferty, Erickson, Hollenbaugh, Driscoll, Belcourt, Hoven, Hands, McNally, Hill, Court, Sands, Squires, B. Bennett, Larsen, C. Williams, referred to Judiciary.
SB 168, introduced by Van Dyk, referred to Business, Labor, and Economic Affairs.
SB 169, introduced by Hinkle, Hutton, O'Hara, Warburton, Jackson, Lewis, More, Wagner, Balyeat, Buttrey, Walker, Howard, Skees, Knox, Hale, referred to Judiciary.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Essmann moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Caferro in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 32 - Senator Wanzenried moved **SB 32** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: SD 6.
Total 1

Senator Essmann moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Peterson in the chair. Chairman Caferro moved the Committee of the Whole report be adopted. Report adopted unanimously.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 19 passed as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: SD 6.
Total 1

SB 21 passed as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: SD 6.
Total 1

SB 31 passed as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent,

Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: SD 6.
Total 1

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Essmann moved that the Senate adjourn until 1:00 p.m., Friday, January 14, 2011. Motion carried.

Senate adjourned at 1:15 p.m.

MARILYN MILLER
Secretary of the Senate

JIM PETERSON
President of the Senate

SENATE JOURNAL
62ND LEGISLATURE
ELEVENTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
January 14, 2011 — State Capitol

Senate convened at 1:00 p.m. President Peterson presiding. Invocation by Chaplain Keith Johnson. Pledge of Allegiance to the Flag. Roll Call. All members present, except Senator Blewett, excused, SD 6 vacant. Quorum present.

BILLS AND JOURNALS: 1/14/2011

Correctly printed: **SB 12**, **SB 23**, **SB 30**, **SB 32**, **SB 59**, **SB 87**.
Correctly engrossed: **SB 36**, **SB 60**, **SB 64**, **SB 78**, **SB 95**.

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Balyeat, Chairman): 1/14/2011
SB 16, do pass. Report adopted.

FISH AND GAME (Brenden, Chairman): 1/13/2011
SB 112, introduced bill, be amended as follows:

1. Page 1, line 11.
Following: "hunting"
Insert: "during the general rifle season"
Following: "hunt the"
Insert: "big"

And, as amended, do pass. Report adopted.

SB 124, do pass. Report adopted.

JUDICIARY (Shockley, Chairman): 1/14/2011
SB 4, do pass. Report adopted.
SB 67, do pass. Report adopted.

MESSAGES FROM THE GOVERNOR

Secretary Miller read a letter from the Honorable Brian Schweitzer listing the following interim board and commission appointments and requiring confirmation by the Montana Senate:

Alternative Health Care Board
Molly Danison, Missoula
Mary Anne Brown, Great Falls
Thomas Mensing, Red Lodge

Board of Architects and Landscape Architects
Carl Thuesen, Billings
Shelly Engler, Bozeman
Maire O'Neill, Bozeman
Janet Cornish, Butte

Montana Arts Council
Mark Kuipers, Missoual
Rob Quist, Kalispell
Youpa Stein, Arlee
Wilbur Wood, Roundup
Jean Steele, Hamilton

Board of Banking
Jon Redlin, Lambert
Mark E. Noennig, Billings
Evelyn Casterline, Vida
Kenneth M. Walsh, Twin Bridges

Board of Barbers and Cosmetologists
Sherry Dembowski-Wieckowski, Thompson Falls
Corie Mora, Great Falls
Sara Dobbins, Helena

Board of Chiropractors
Cathleen Fellows, Billings

Clinical Laboratory Science Practitioners
Alison Mizner, Kalispell

Coal Board
Ralph Lenhart, Glendive

Board of Crime Control
Randi Hood, Butte
Laura Obert, Townsend

Board of Dentistry
George Johnston, Dillon
Luella Vogel, Great Falls

Electrical Board
Mel Medhus III, Kalispell

Board of Environmental Review
Larry Anderson, Great Falls

Board of Funeral Service
Thomas Meeks, Great Falls

Board of Hail Insurance
Jim Schillinger, Baker

Board of Hearing Aid Dispensers
Gene W. Bukowski, Au.D., Billings
Rebecca Wisnoskie, Helena

Montana Historical Society Board of Trustees
James W. Murry, Clancy
John G. Lepley, Fort Benton
Shirley Groff, Butte
Bob Brown, Whitefish

Board of Horseracing
Susan Austin, Kalispell
Charles (Al) Carruthers, Butte
Shawn Real Bird, Hardin
Ray "Topper" Tracy, Stevensville

Board of Housing
Sheila Rice, Great Falls

Board of Labor Appeals
Ed Logan, Billings

Board of Massage Therapists
Michael Eayrs, Kalispell
Stacy Baird, East Helena
Deborah Kimmet, Missoula
Nick Soloway, Helena
Grace D. Bowman, Billings

Board of Medical Examiners
Carole Erickson, Missoula
Dwight Thompson, Harlowton
Pat Bollinger, Helena
Ryan Burke, Great Falls
Kris Spanjian, Billings
Eileen Sheehy, Billings

Anna Earl, Chester
Nathan Thomas, Missoula
Bruce Hayward, McAllister

Board of Nursing
N. Gregory Kohn, Billings
Barbara Lundemo, Sidney
Lanette Perkins, Missoula
Kathleen Sprattler, Billings
Brenda Schye, Fort Peck

Board of Nursing Administrators
Kathryn Beaty, Hamilton

Board of Pardons and Parole
Darryl Dupuis, Polson
Margaret Hall-Bowman, Pablo

Board of Personnel Appeals
Michael Thiel, Kalispell

Board of Pharmacy
Rebecca Deschamps, Missoula
Lee Ann Bradley, Missoula

Board of Physical Therapy Examiners
Christian Appel, Bozeman
Robin Peterson Smith, Billings

Board of Plumbers
Olaf Stimac, Great Falls
Timothy Regan, Miles City

Board of Private Security
Daniel Taylor, Glasgow
Leo C. Dutton, Helena
Scott Swingley, Helena
Ronald Young Joliet
Mark Chaput, Billings

Board of Professional Engineers and Land Surveyors
Ruthul Amin, Bozeman
David Elias, Anaconda
Hal Jacobson, Helena
Ronald Drake, Helena
Ingrid Clare Lovitt-Abramson, Missoula

Board of Psychologists
George Watson, Bozeman
Stuart Hall, Missoula
Bonnie Hyatt-Murphy, Livingston

Board of Public Accountants
Michael Johns, Deer Lodge
Tony Ennenga, Kalispell
Kathy VanDyke, Bozeman

Board of Public Education
Erin Williams, Missoula

Public Employees Retirement Board
Scott Moore, Miles City

Public Safety Officer Standards and Training Council
Harold Hanser, Billings

Board of Radiologic Technologists
Sharlett Dale, Harlowton
Mike Nielsen, Billings

Board of Real Estate Appraisers
Jeffrey Fleming, Huntley
Dennis Hoeger, Bozeman
Jennifer McGinnis, Polson

Board of Realty Regulation
Stephen Hess, Butte

Board of Regents
Angela McLean, Anaconda
Teresa Snyder, Bozeman

Research and Commercialization Technology Board
Jim Davison, Anaconda
Major Robinson, Billings

Respiratory Care Practitioners
Rusty Davies, Billings

Board of Sanitarians
Susan K. Brueggeman, Polson
James Zabrocki, Miles City

State Tax Appeals Board
Samantha Sanchez, Helena

Board of Veterans Affairs
Keith Heavyrunner, Browning
Larry LaFriniere, Florence
Mary Creech, Butte
Sylvia Beals, Forsyth

Board of Veterinary Medicine
Bruce Sorenson, Belgrade
Joan Marshall, Ekalaka
Kim Baker, Hot Springs

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 1/13/2011

HB 1, introduced by McNutt
HB 22, introduced by Klock
HB 38, introduced by Boland
HB 39, introduced by Hollenbaugh
HB 65, introduced by Menahan
HB 96, introduced by Menahan
HB 97, introduced by Menahan

FIRST READING AND COMMITMENT OF BILLS

The following Senate joint resolutions were introduced, read first time, and referred to committees:

SJR 9, introduced by Hutton, Hinkle, Arthun, Murphy, Balyeat, Wittich, Zinke, Walker, Moore, Buttrey, referred to Judiciary.

The following Senate bills were introduced, read first time, and referred to committees:

SB 170, introduced by Essmann, referred to Judiciary.
SB 171, introduced by Blewett, Hutton, referred to Taxation.

SB 172, introduced by Lake, referred to Taxation.
SB 173, introduced by Tutvedt, referred to Fish and Game.
SB 174, introduced by Vuckovich, Brenden, Hinkle, Keane, Lewis, referred to Fish and Game.
SB 175, introduced by J. Peterson, Hawks, Sands, Wittich, Branae, Stahl, Driscoll, referred to Judiciary.
SB 176, introduced by Hutton, Hinkle, Arthun, Moore, Wittich, Priest, Windy Boy, Balyeat, Murphy, G. Bennett, Zinke, Howard, Keane, Lewis, McGillvray, Warburton, Kary, Walker, McNiven, Buttrey, Flynn, Lavin, Yates, Blasdel, Miller, Knox, C. Smith, referred to Public Health, Welfare and Safety.
SB 177, introduced by Walker, referred to Local Government.

The following House bill was introduced, read first time, and referred to committee:

HB 1, introduced by McNutt, referred to Finance and Claims.

MOTIONS

Senator Shockley moved **SB 150** be moved from the Judiciary committee to the Local Government committee.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Essmann moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Sonju in the chair.

Senator Williams requested that SB 23 be passed for the day. Without objection, so ordered.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 27 - Senator Kaufmann moved **SB 27** do pass. Motion carried as follows:

Yeas: Augare, Balyeat, Barrett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Windy Boy, Wittich, Mr. President.
Total 45

Nays: Arthun, Walker, Zinke.
Total 3

Absent or not voting: None.
Total 0

Excused: Blewett, SD 6.
Total 2

SB 30 - Senator Wanzenried moved **SB 30** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Blewett, SD 6.
Total 2

SB 49 - Senator Branae moved **SB 49** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Barrett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Larsen, Lewis, Moore, Moss, Priest, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Mr. President.
Total 41

Nays: Balyeat, Lake, Murphy, Olson, Ripley, Vincent, Zinke.
Total 7

Absent or not voting: None.
Total 0

Excused: Blewett, SD 6.
Total 2

SB 59 - Senator Moss moved **SB 59** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Murphy, Olson, Priest, Ripley, Shockley,

Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Blewett, SD 6.
Total 2

SB 63 - Senator Steinbeisser moved **SB 63** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Blewett, SD 6.
Total 2

SB 87 - Senator Steinbeisser moved **SB 87** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 47

Nays: Essmann.
Total 1

Absent or not voting: None.
Total 0

Excused: Blewett, SD 6.
Total 2

Senator Essmann moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Peterson in the chair. Chairman Sonju moved the Committee of the Whole report be adopted. Report adopted unanimously.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 32 passed as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Blewett, SD 6.
Total 2

SPECIAL ORDERS OF THE DAY

Senator Brown thanked the Senate Pages for their work during the week of Jan. 10-15, 2011.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Essmann moved that the Senate adjourn until 1:00 p.m., Monday, January 17, 2011. Motion carried.

Senate adjourned at 1:35 p.m.

MARILYN MILLER
Secretary of the Senate

JIM PETERSON
President of the Senate

SENATE JOURNAL
62ND LEGISLATURE
TWELFTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
January 17, 2011 — State Capitol

Senate convened at 1:00 p.m. President Peterson presiding. Invocation by Chaplain Keith Johnson. Pledge of Allegiance to the Flag. Roll Call. All members present, except Senator Gallus, excused, SD 6 vacant. Quorum present.

BILLS AND JOURNALS: 1/17/2011

Correctly printed: **SB 4**, **SB 16**, **SB 27**, **SB 30**, **SB 49**, **SB 59**, **SB 63**, **SB 67**, **SB 87**, **SB 124**.
Correctly engrossed: **SB 112**.

LEGISLATIVE ADMINISTRATION (Brown, Chairman): 1/17/2011
MR. PRESIDENT:
We, your committee on Legislative Administration recommend that employment of the following attaches of the Senate be terminated as of 5:00 p.m., Friday, January 14, 2011:

TITLE	NAME
Pages:	Teryn Green, Anaconda
	Nathan Stenson, Billings
	Tim Koenig, Kalispell
	Caleb Laszloffy, Laurel

and recommend that the following attaches of the Senate be employed as of 8:00 a.m., Monday, January 17, 2011:

TITLE	NAME
Pages:	Tiffany Morgan, Columbus
	Caitlin Berg, Helena
	Mikaela Koski, Columbus
	Carissa Krueger, Kalispell

Report Adopted.

Senator Gallus present.

REPORTS OF STANDING COMMITTEES

PUBLIC HEALTH, WELFARE AND SAFETY (Murphy, Chairman): 1/14/2011
SB 73, introduced bill, be amended as follows:

1. Page 3, line 1 through line 2.

Following: "may" on line 1
Strike: "meet" through "20-7-424" on line 2
Insert: "also meet its obligation by coordinating appropriate services with the resident's school district of residence, the local high school district, or both"

And, as amended, do pass. Report adopted.

SB 152, do pass. Report adopted.

JUDICIARY (Shockley, Chairman): 1/17/2011
SB 68, introduced bill, be amended as follows:

1. Page 3, line 21.
Following: "provided in"
Strike: "subsection"
Insert: "subsections (2) and"

2. Page 3, line 29.
Following: "61-7-103"
Strike: ","
Insert: "or"
Following: "61-7-105"
Strike: ", or 61-7-108"

3. Page 4, line 3.
Following: "61-7-103"
Strike: ","
Insert: "or"
Following: "61-7-105"
Strike: ", or 61-7-108"

And, as amended, do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 1/14/2011

HB 41, introduced by Stahl
HB 60, introduced by MacLaren
HB 74, introduced by Schmidt

MOTIONS

Senator Essmann moved **SB 57** be re-referred from the Second Reading calendar to the Finance and Claims committee.

Senator Gallus moved **SB 119** be moved from the Fish and Game committee to the Local Government committee.

Senator Tutvedt moved **SB 173** be moved from the Fish and Game committee to the Local Government committee.

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 178, introduced by Murphy, Hale, Roberts, Windy Boy, Stewart-Peregoy, Hutton, Arthun, Augare, referred to Business, Labor, and Economic Affairs.
SB 179, introduced by Wittich, Shockley, Jent, Debby Barrett, Moore, Hinkle, Rosendale, O'Hara, Flynn, Ripley, O'Neil, Blasdel, C. Smith, Walker, Stewart-Peregoy, Hollenbaugh, Zinke, Noonan, Hawks, Hendrick, Skattum, Sonju, Erickson, Murphy, K. Peterson, Hutton, Vincent, Fitzpatrick, Skees, Blewett, Facey, Hansen, referred to Highways and Transportation.
SB 180, introduced by Sonju, referred to Local Government.
SB 181, introduced by Van Dyk, referred to State Administration.
SB 182, introduced by Van Dyk, referred to State Administration.
SB 183, introduced by Brown, Walker, Zinke, Essmann, Tutvedt, Jones, Lewis, Moore, Olson, Arthun, J. Peterson, Branae, referred to Local Government.
SB 184, introduced by Van Dyk, Balyeat, referred to Fish and Game.
SB 185, introduced by Wanzenried, MacDonald, McClafferty, Rosendale, Cook, Wilmer, Augare, Sesso, C. Williams, Steinbeisser, Gibson, Zinke, Larsen, Menahan, Kaufmann, Jent, Erickson, Tropila, Read, Skees, referred to Judiciary.
SB 186, introduced by Steinbeisser, referred to Business, Labor, and Economic Affairs.
SB 187, introduced by Shockley, Jent, referred to Judiciary.

The following Senate resolution was introduced, read first time, and referred to committee:

SR 2, introduced by Shockley, referred to Natural Resources.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Essmann moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Jent in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 23 - Senator Blewett moved **SB 23** do pass. Motion carried as follows:

Yeas: Augare, Balyeat, Barrett, Blewett, Branae, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jent, Kaufmann, Keane, Larsen, Lewis,

Moore, Moss, Murphy, Olson, Priest, Ripley, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Wittich, Mr. President.
Total 40

Nays: Arthun, Brenden, Jackson, Jones, Lake, Sonju, Vincent, Walker, Zinke.
Total 9

Absent or not voting: None.
Total 0

Excused: SD 6.
Total 1

SB 36 - Senator Hamlett moved **SB 36** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: SD 6.
Total 1

SB 60 - Senator Gillan moved **SB 60** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: SD 6.
Total 1

SB 64 - Senator Steinbeisser moved **SB 64** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: SD 6.
Total 1

SB 78 - Senator Ripley moved **SB 78** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: SD 6.
Total 1

SB 95 - Senator Shockley moved **SB 95** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich,

Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: SD 6.
Total 1

Senator Essmann moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Peterson in the chair. Chairman Jent moved the Committee of the Whole report be adopted. Report adopted unanimously.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 27 passed as follows:

Yeas: Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jent, Kaufmann, Keane, Larsen, Lewis, Moore, Moss, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Windy Boy, Wittich, Mr. President.
Total 43

Nays: Arthun, Jackson, Jones, Lake, Walker, Zinke.
Total 6

Absent or not voting: None.
Total 0

Excused: SD 6.
Total 1

SB 30 passed as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich,

Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: SD 6.
Total 1

SB 49 passed as follows:

Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Larsen, Lewis, Moore, Moss, Priest, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 41

Nays: Balyeat, Brenden, Lake, Murphy, Olson, Ripley, Vincent, Wittich.
Total 8

Absent or not voting: None.
Total 0

Excused: SD 6.
Total 1

SB 59 passed as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: SD 6.
Total 1

SB 63 passed as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: SD 6.
Total 1

SB 87 passed as follows:

Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 47

Nays: Balyeat, Essmann.
Total 2

Absent or not voting: None.
Total 0

Excused: SD 6.
Total 1

SPECIAL ORDERS OF THE DAY

Sen. Brown introduced the Senate Pages for the week of January 17-22, 2011.

Sen. Augare and Sen. Essmann gave tributes to the Reverend Martin Luther King, Jr.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Essmann moved that the Senate adjourn until 1:00 p.m., Tuesday, January 18, 2011. Motion carried.

Senate adjourned at 1:39 p.m.

MARILYN MILLER
Secretary of the Senate

JIM PETERSON
President of the Senate

SENATE JOURNAL
62ND LEGISLATURE
THIRTEENTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
January 18, 2011 — State Capitol

Senate convened at 1:00 p.m. President Peterson presiding. Invocation by Chaplain Keith Johnson. Pledge of Allegiance to the Flag. Roll Call. All members present, SD 6 vacant. Quorum present.

BILLS AND JOURNALS: 1/18/2011

Correctly printed: **SB 23**, **SB 36**, **SB 60**, **SB 64**, **SB 78**, **SB 95**, **SB 152**.
Correctly engrossed: **SB 68, 73**.

SPECIAL ORDERS OF THE DAY

Senator Brown welcomed high school exchange students from Brazil.

REPORTS OF STANDING COMMITTEES

EDUCATION AND CULTURAL RESOURCES (Zinke, Chairman): 1/17/2011
SB 66, do pass. Report adopted.

NATURAL RESOURCES (Barrett, Chairman): 1/17/2011
SB 38, do pass. Report adopted.
SB 47, introduced bill, be amended as follows:

1. Page 1, line 23.
Strike: "a" through "other"

2. Page 1, line 25.
Strike: ", except" through "town"

And, as amended, do pass. Report adopted.

SB 100, do pass. Report adopted.
SJR 7, do pass. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Murphy, Chairman): 1/17/2011
SB 25, do pass. Report adopted.
SB 28, do pass. Report adopted.
SB 125, do pass. Report adopted.

STATE ADMINISTRATION (Shockley, Chairman): 1/17/2011
SB 53, do pass. Report adopted.
SB 55, do pass. Report adopted.

SB 69, do pass. Report adopted.

TAXATION (Tutvedt, Chairman): 1/18/2011
SB 11, do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bill passed and transmitted to the Senate for concurrence: 1/17/2011

HB 114, introduced by O'Hara

Senate joint resolution concurred in and returned to the Senate: 1/17/2011

SJR 1, introduced by Essmann

MOTIONS

Senator Sonju moved **SB 177** be moved from the Local Government committee to the Education and Cultural Resources committee. Without objection, so ordered.

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 188, introduced by Van Dyk, referred to State Administration.
SB 189, introduced by Keane, referred to Public Health, Welfare and Safety.
SB 190, introduced by Essmann, referred to Taxation.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Essmann moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Lake in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 4 - Senator Lewis moved **SB 4** do pass. Motion carried as follows:

Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hamlett, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Vuckovich, Walker, Zinke, Mr. President.
Total 28

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried, Williams, Windy Boy, Wittich.
Total 21

Absent or not voting: None.
Total 0

Excused: SD 6.
Total 1

SB 16 - Senator Brown moved **SB 16** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 45

Nays: Balyeat, Gillan, Hinkle, Van Dyk.
Total 4

Absent or not voting: None.
Total 0

Excused: SD 6.
Total 1

SB 67 - Senator Shockley moved **SB 67** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: SD 6.
Total 1

SB 112 - Senator Hinkle moved **SB 112** do pass. Motion carried as follows:

Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Gallus, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 27

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Absent or not voting: None.
Total 0

Excused: SD 6.
Total 1

SB 124 - Senator Ripley moved **SB 124** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: SD 6.
Total 1

Senator Essmann moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Peterson in the chair. Chairman Lake moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jones, Kaufmann,

Keane, Lake, Larsen, Lewis, Moore, Moss, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 47

Nays: Erickson, Jent.
Total 2

Absent or not voting: None.
Total 0

Excused: SD 6.
Total 1

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 23 passed as follows:

Yeas: Augare, Balyeat, Barrett, Blewett, Branae, Brown, Buttrey, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jackson, Jent, Jones, Kaufmann, Keane, Larsen, Moore, Moss, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Windy Boy, Mr. President.
Total 39

Nays: Arthun, Brenden, Essmann, Hinkle, Hutton, Lake, Lewis, Walker, Wittich, Zinke.
Total 10

Absent or not voting: None.
Total 0

Excused: SD 6.
Total 1

SB 36 passed as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: SD 6.
Total 1

SB 60 passed as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: SD 6.
Total 1

SB 64 passed as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: SD 6.
Total 1

SB 78 passed as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: SD 6.
Total 1

SB 95 passed as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: SD 6.
Total 1

MOTIONS

Senator Barrett moved **SR 2** be moved from the Natural Resources committee to the Judiciary committee. Without objection, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Essmann moved that the Senate adjourn until 1:00 p.m., Wednesday, January 19, 2011. Motion carried.

Senate adjourned at 1:52 p.m.

MARILYN MILLER
Secretary of the Senate

JIM PETERSON
President of the Senate

SENATE JOURNAL
62ND LEGISLATURE
FOURTEENTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
January 19, 2011 — State Capitol

Senate convened at 1:00 p.m. President Peterson presiding. Invocation by Chaplain Keith Johnson. Pledge of Allegiance to the Flag. Roll Call. All members present, except Senator Tutvedt, excused, SD 6 vacant. Quorum present.

BILLS AND JOURNALS: 1/19/2011

Correctly printed: **SB 4**, **SB 11**, **SB 16**, **SB 25**, **SB 28**, **SB 38**, **SB 53**, **SB 55**, **SB 66**, **SB 67**, **SB 69**, **SB 100**, **SB 112**, **SB 124**, **SB 125**, **SJR 7**.
Correctly engrossed: **SB 47**.
Correctly enrolled: **SJR 1**.

REPORTS OF STANDING COMMITTEES

AGRICULTURE, LIVESTOCK AND IRRIGATION (Steinbeisser, Chairman): 1/18/2011
SB 5, do pass. Report adopted.
SB 74, introduced bill, be amended as follows:

1. Title, page 1, line 8.
Strike: "100%"
Insert: "110%"

2. Page 2, line 11 through line 12.
Following: "livestock"
Strike: "and not for resale"

3. Page 8, line 4.
Following: "~~net assets~~"
Insert: "positive"
Following: "equity"
Strike: "of at least $10,000"

4. Page 10, line 2.
Strike: "conditions"
Insert: "condition"
Strike: "subsections (4)(b) and"
Insert: "subsection"
Following: "(4)(c)"
Insert: "and has maintained positive equity"

5. Page 10, line 3.
Strike: "bond"
Insert: "bonding"

6. Page 10, line 4.
Following: "$50,000;"
Insert: "and"

7. Page 10, line 5.
Strike: "conditions"
Insert: "condition"
Strike: "subsections (4)(a) and"
Insert: "subsection"

8. Page 10, line 6.
Strike: "bond"
Insert: "bonding"

9. Page 10, line 8.
Following: "(iii)"
Insert: "that cannot or chooses not to meet the requirements of subsections (4)(a), (4)(b), and (4)(c)"
Following: "discretion"
Insert: "and with the consent of the department"

10. Page 10, line 10.
Following: "greater."
Insert: "The minimum bond is $20,000."

11. Page 10, line 11.
Strike: "(5)(a)(i) or (5)(a)(ii)"
Insert: "(5)(a)(iii)"

And, as amended, do pass. Report adopted.

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Balyeat, Chairman): 1/19/2011
SB 46, do pass. Report adopted.
SB 159, introduced bill, be amended as follows:

1. Page 2, line 27.
Strike: "established" through "ARM,"
Insert: "adopted as of [the effective date of this act]"

2. Page 2, line 30 through page 3, line 1.
Strike: "can" on page 2, line 30 through "result in" on page 3, line 1

Insert: "demonstrates that the standards provide"

And, as amended, do pass. Report adopted.

ENERGY AND TELECOMMUNICATIONS (Olson, Chairman): 1/18/2011
SB 7, introduced bill, be amended as follows:

1. Title, page 1, line 6.
Strike: "PUBLIC SERVICE COMMISSION"
Insert: "DEPARTMENT OF REVENUE AND THE ENERGY AND TELECOMMUNICATIONS INTERIM COMMITTEE; REQUIRING THE ENERGY AND TELECOMMUNICATIONS INTERIM COMMITTEE TO REVIEW THE REPORT; PROVIDING EXCEPTIONS TO THE REPORTS' CONTENTS"

2. Title, page 1, line 7 through line 8.
Strike: "AMENDING" on line 7 through "MCA;" on line 8

3. Page 1, line 28.
Strike: "subsection (3)"
Insert: "[section 2]"
Strike: "69-8-103"
Insert: "69-5-102"
Following: "Montana"
Insert: ", a competitive electricity supplier as defined in 69-3-2003, "
Strike: "the"
Insert: "any"

4. Page 1, line 30.
Following: "report"
Strike: "," through the second "commission"
Insert: "in accordance with this section"

5. Page 2, line 3.
Strike: "The"
Insert: "Except as provided in [section 2], the"

6. Page 2, line 7 through line 8.
Strike: subsection (3) in its entirety
Renumber: subsequent subsections

7. Page 2, line 9.
Strike: "(5)"
Insert: "(4)"

8. Page 2, line 10.
Strike: "commission" through "inspection."
Insert: "department of revenue. The department of revenue shall make the report available for public inspection."

9. Page 2, line 12.
Strike: the first "subsection" through "(3)"
Insert: "this section"
Strike: "commission"
Insert: "department of revenue"

10. Page 2, line 14 through line 15.
Strike: "an" on line 14 through "69-1-402" on line 15
Insert:"the universal low-income energy assistance fund established in 69-8-412(1)(b)"

11. Page 2.
Following: line 19
Insert: "(6)(a) The report required in subsection (1) must be filed with the department of revenue in a format determined by the department.

(b) A utility, a competitive electricity supplier, or an owner of an electrical generation facility that is required to file a report pursuant to subsection (1) shall provide a copy of the report to the energy and telecommunications interim committee provided for in 5-5-230. Before September 15 of the year preceding a legislative session, the energy and telecommunications interim committee shall review the reports and, if necessary, submit recommendations regarding the use of renewable energy credits in Montana to the legislature.

"NEW SECTION. **Section 2. Exceptions to report contents.** (1) If a utility, a competitive electricity supplier, or an owner of an electrical generation facility operating in Montana required to file the report pursuant to [section 1] buys or sells a renewable energy credit in a market where the price of a renewable energy credit is not publicly disclosed, the utility, competitive electricity supplier, or owner of an electrical generation facility operating in Montana is not required to disclose the price.

(2) The utility, competitive electricity supplier, or owner of an electrical generation facility operating in Montana shall report the number of credits bought or sold and whether the energy and renewable energy credits were bought or sold together or separately as a bundled or unbundled product."
Renumber: subsequent sections

12. Page 2, line 21 through page 4, line 6.
Strike: section 2 through section 3 in their entirety
Renumber: subsequent sections

13. Page 4, line 12.
Strike: "[Section 1] is"
Insert: "[Sections 1 and 2] are"

14. Page 4, line 13.
Strike: "[section 1]"
Insert: "[sections 1 and 2]"

And, as amended, do pass. Report adopted.

SB 62, do pass. Report adopted.
SB 65, introduced bill, be amended as follows:

1. Page 1, line 12.
Strike: "Before" through "session"
Insert: "At the first interim committee meeting held during each interim"

2. Page 1, line 14.
Following: "discuss"
Insert: "at future meetings"

3. Page 2, line 2.
Strike: "The"
Insert: "If revisions to the state energy policy are proposed by the committee, then before September 15 of the year preceding a legislative session, the"

And, as amended, do pass. Report adopted.

SB 104, introduced bill, be amended as follows:

1. Page 1, line 8.
Following: "WHEREAS,"
Insert: "if used improperly,"
Following: "structures"
Insert: "can"

2. Page 1, line 10.
Strike: "results"
Insert: "can result"

3. Page 1, line 12.
Following: "WHEREAS,"
Insert: "if"
Strike: "and"

4. Page 1, line 13.
Strike: "; and"
Insert: "."

5. Page 1, line 14 through line 15.
Strike: line 14 through line 15 in their entirety

And, as amended, do pass. Report adopted.

SB 105, do pass. Report adopted.

FISH AND GAME (Brenden, Chairman): 1/18/2011
SB 99, introduced bill, be amended as follows:

1. Page 2, line 24.
Following: "agent"
Insert: ", except for an electronic service provider,"

And, as amended, do pass. Report adopted.

SB 115, introduced bill, be amended as follows:

1. Page 1, line 11.
Following: "**information --**"
Insert: "**legislative finding --**"
Following: "**predators.**"
Insert: "(1)"

2. Page 1, line 16.
Following: line 15
Insert: "(2) The legislature finds that the prohibition on disclosure of information pursuant to subsection (1) is necessary to protect an individual's privacy, safety, and welfare. "

And, as amended, do pass. Report adopted.

SB 118, introduced bill, be amended as follows:

1. Title, line 5.
Strike: "AND"

2. Title, line 6.
Following: "MCA"
Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

3. Page 3, line 4.
Following: line 3
Insert: "NEW SECTION. **Section 3. Effective date.** [This act] is effective on passage and approval."

And, as amended, do pass. Report adopted.

JUDICIARY (Shockley, Chairman): 1/19/2011
SB 10, do pass. Report adopted.
SB 76, introduced bill, be amended as follows:

1. Page 1, line 14.
Following: "(5)"
Insert: "and when in the board's opinion there is reasonable probability that a prisoner can be released without detriment to the prisoner or to the community"

2. Page 1, line 17 through line 18.
Following: "center" on line 17
Strike: remainder of line 17 through "community" on line 18

And, as amended, do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 1/18/2011

HB 17, introduced by Hollandsworth
HB 23, introduced by Furey
HB 29, introduced by McNiven
HB 45, introduced by Ingraham
HB 47, introduced by K. Peterson
HB 54, introduced by Vance
HB 63, introduced by Noonan
HB 94, introduced by Arntzen
HB 98, introduced by Welborn

House joint resolution passed and transmitted to the Senate for concurrence: 1/18/2011

HJR 1, introduced by Milburn

MOTIONS

Senator Gillan moved to remove **SB 44** from Education and Cultural Resources committee and place SB 44 on second reading. Motion **failed** as follows:

Yeas: Augare, Blewett, Branae, Brown, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 23

Nays: Arthun, Balyeat, Barrett, Brenden, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 25

Absent or not voting: None.
Total 0

Excused: SD 6, Tutvedt.
Total 2

Senator Shockley moved **SB 29** be moved from the Judiciary committee to the Business, Labor, and Economic Affairs committee. Without objection, so ordered.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Essmann moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Augare in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 12 - Senator Erickson moved **SB 12** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Gallus, SD 6, Tutvedt.
Total 3

SB 68 - Senator Jent moved **SB 68** do pass. Motion carried as follows:
Arthun, Augare, Blewett, Branae, Brenden, Brown, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moss, Murphy, Olson, Priest, Ripley, Shockley, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich,

Walker, Wanzenried, Williams, Windy Boy, Mr. President.
Total 38

Nays: Balyeat, Barrett, Buttrey, Hinkle, Moore, Sonju, Steinbeisser, Vincent, Wittich, Zinke.
Total 10

Absent or not voting: None.
Total 0

Excused: SD 6, Tutvedt.
Total 2

SB 73 - Senator Murphy moved **SB 73** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 44

Nays: Brenden, Hinkle, Tropila, Wittich.
Total 4

Absent or not voting: None.
Total 0

Excused: SD 6, Tutvedt.
Total 2

SB 152 - Senator Brown moved **SB 152** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: SD 6, Tutvedt.
Total 2

Senator Essmann moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Peterson in the chair. Chairman Augare moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: SD 6, Tutvedt.
Total 2

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 4 passed as follows:

Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Facey, Gillan, Hamlett, Hinkle, Hutton, Jackson, Jent, Jones, Lake, Lewis, Moore, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Vincent, Walker, Williams, Zinke, Mr. President.
Total 30

Nays: Augare, Blewett, Branae, Caferro, Erickson, Gallus, Hawks, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy, Wittich.
Total 18

Absent or not voting: None.
Total 0

Excused: SD 6, Tutvedt.
Total 2

SB 16 passed as follows:

Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 43

Nays: Balyeat, Gillan, Hinkle, Van Dyk, Wittich.
Total 5

Absent or not voting: None.
Total 0

Excused: SD 6, Tutvedt.
Total 2

SB 67 passed as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: SD 6, Tutvedt.
Total 2

SB 112 passed as follows:

Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Gallus, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 27

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried,

Williams, Windy Boy.
Total 21

Absent or not voting: None.
Total 0

Excused: SD 6, Tutvedt.
Total 2

SB 124 passed as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: SD 6, Tutvedt.
Total 2

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Essmann moved that the Senate adjourn until 1:00 p.m., Thursday, January 20, 2011. Motion carried.

Senate adjourned at 1:40 p.m.

MARILYN MILLER
Secretary of the Senate

JIM PETERSON
President of the Senate

SENATE JOURNAL
62ND LEGISLATURE
FIFTEENTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
January 20, 2011 — State Capitol

Senate convened at 1:00 p.m. President Peterson presiding. Invocation by Chaplain Keith Johnson. Pledge of Allegiance to the Flag. Roll Call. All members present, except Senator Essmann, excused, SD 6 vacant. Quorum present.

BILLS AND JOURNALS: 1/20/2011

Correctly printed: **SB 5**, **SB 10**, **SB 12**, **SB 46**, **SB 62**, **SB 68**, **SB 73**, **SB 105**, **SB 152**.
Correctly engrossed: **SB 7**, **SB 65**, **SB 74**, **SB 76**, **SB 99**, **SB 104**, **SB 115**, **SB 118**, **SB 159**.
Correctly enrolled: **SJR 1**.
Examined by the sponsor and found to be correct: **SJR 1**.
Signed by the President at 2:45 p.m., January 19, 2011: **SJR 1**.
Signed by the Secretary of the Senate at 10:25 a.m., January 19, 2011: **SJR 1**.
Delivered to the Secretary of State at 2:58 p.m., January 19, 2011: **SJR 1**.

REPORTS OF STANDING COMMITTEES

JUDICIARY (Shockley, Chairman): 1/20/2011
SB 24, do pass. Report adopted.
SB 39, do pass. Report adopted.

LOCAL GOVERNMENT (Sonju, Chairman): 1/19/2011
SB 108, introduced bill, be amended as follows:

1. Title, line 5.
Following: "COUNTY"
Insert: "AND TRIBAL"

2. Page 1, line 28.
Strike: "in counties bordering national parks with"
Insert: "and tribal governments in a county where at least part of the county lies within 200 miles of a border of a national park and where the county has"

And, as amended, do pass. Report adopted.

SB 128, introduced bill, be amended as follows:

1. Page 2, line 4.
Strike: "provided for in"
Insert: "organized under"

2. Page 2, line 5.
Following: "only for"
Insert: "emergency"
Following: "which"
Strike: "includes"
Insert: "may include enclosed"

And, as amended, do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 1/19/2011

HB 58, introduced by Belcourt
HB 71, introduced by Vance
HB 77, introduced by Pease-Lopez

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 191, introduced by Erickson, referred to Local Government.
SB 192, introduced by Erickson, referred to Highways and Transportation.
SB 193, introduced by Vuckovich, referred to Public Health, Welfare and Safety.
SB 194, introduced by Brenden, C. Williams, referred to State Administration.
SB 195, introduced by Ripley, Clark, Steinbeisser, referred to Agriculture, Livestock and Irrigation.
SB 196, introduced by Windy Boy, Blewett, Keane, Caferro, Kaufmann, Hinkle, Augare, Stewart-Peregoy, referred to Judiciary.
SB 197, introduced by Tropila, Klock, Hamlett, referred to Business, Labor, and Economic Affairs.
SB 198, introduced by Balyeat, Tutvedt, Arthun, Zinke, Hendrick, Shockley, Wittich, Debby Barrett, Moore, Jackson, Vuckovich, Sonju, Hinkle, Steinbeisser, Buttrey, Brown, Ripley, Brenden, Walker, Lewis, Yates, Priest, Vincent, Jones, Vance, Kary, Hansen, Burnett, referred to State Administration.
SB 199, introduced by Balyeat, Gallus, Dick Barrett, Yates, Moore, Debby Barrett, J. Peterson, Lewis, Steinbeisser, Ripley, Brenden, Walker, Olson, Arthun, Wittich, Buttrey, Jackson, Zinke, Essmann, Hinkle, Shockley, Hendrick, Vance, Vincent, Priest, Windy Boy, Brenden, referred to Taxation.
SB 200, introduced by Facey, referred to Education and Cultural Resources.
SB 201, introduced by Walker, Arthun, Brown, Skees, Lewis, Ripley, Hinkle, Brenden, Buttrey, Essmann, Wittich, Debby Barrett, Steinbeisser, Balyeat, Moore, Zinke, Olson, referred to Business, Labor, and Economic Affairs.
SB 202, introduced by Zinke, Blewett, referred to Business, Labor, and Economic Affairs.
SB 203, introduced by Zinke, Ripley, Buttrey, Moore, Hutton, Blewett, referred to Business, Labor, and Economic Affairs.
SB 204, introduced by Blewett, McGillvray, referred to State Administration.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Essmann moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Brown in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 11 - Senator Erickson moved **SB 11** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Essmann, SD 6.
Total 2

SB 38 - Senator Hawks moved **SB 38** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Essmann, SD 6.
Total 2

SB 47 - Senator Vincent moved **SB 47** do pass. Motion carried as follows:

Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Hamlett, Hinkle, Hutton, Jackson, Jent, Jones, Lake, Lewis, Moore, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wittich, Zinke, Mr. President.
Total 31

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hawks, Kaufmann, Keane, Larsen, Moss, Tropila, Wanzenried, Williams, Windy Boy.
Total 17

Absent or not voting: None.
Total 0

Excused: Essmann, SD 6.
Total 2

SB 55 - Senator Jent moved **SB 55** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Essmann, SD 6.
Total 2

SB 66 - Senator Lake moved **SB 66** do pass.

SB 66 - Senator Facey moved **SB 66**, second reading copy, be amended as follows:

1. Page 7, line 28.
Strike: "10%"
Insert: "20%"

Amendment adopted as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Essmann, SD 6.
Total 2

SB 66 - Senator Lake moved **SB 66**, as amended, do pass. Motion carried as follows:

Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Murphy, Olson, Priest, Ripley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 45

Nays: Balyeat, Hinkle, Shockley.
Total 3

Absent or not voting: None.
Total 0

Excused: Essmann, SD 6.
Total 2

SB 69 - Senator Wanzenried moved **SB 69** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moss, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 43

Nays: Balyeat, Hinkle, Moore, Walker, Wittich.
Total 5

Absent or not voting: None.
Total 0

Excused: Essmann, SD 6.
Total 2

Senator Tutvedt moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Peterson in the chair. Chairman Brown moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Larsen, Lewis, Moore, Moss, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 47

Nays: Kaufmann.
Total 1

Absent or not voting: None.
Total 0

Excused: Essmann, SD 6.
Total 2

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 12 passed as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Essmann, SD 6.
Total 2

SB 68 passed as follows:

Yeas: Arthun, Augare, Blewett, Branae, Brenden, Brown, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jent, Jones, Kaufmann, Keane, Larsen, Lewis, Moore, Moss, Murphy, Olson, Priest, Ripley, Shockley, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Williams, Wittich, Zinke, Mr. President.
Total 38

Nays: Balyeat, Barrett, Buttrey, Hinkle, Jackson, Lake, Sonju, Steinbeisser, Vincent, Windy Boy.
Total 10

Absent or not voting: None.
Total 0

Excused: Essmann, SD 6.
Total 2

SB 73 passed as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brown, Buttrey, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 45

Nays: Brenden, Hinkle, Tropila.
Total 3

Absent or not voting: None.
Total 0

Excused: Essmann, SD 6.
Total 2

SB 152 passed as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker,

Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Essmann, SD 6.
Total 2

SPECIAL ORDERS OF THE DAY

Sen. Williams acknowledged the anniversary of past President John Kennedy's inaugural address.

President Peterson announced the Lake County Commissioners' appointment of Carmine Mowbray to fill the vacancy in SD 6.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Senator Tutvedt moved that the Senate adjourn until 1:00 p.m., Friday, January 21, 2011. Motion carried.

Senate adjourned at 2:22 p.m.

MARILYN MILLER
Secretary of the Senate

JIM PETERSON
President of the Senate

SENATE JOURNAL
62ND LEGISLATURE
SIXTEENTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
January 21, 2011 — State Capitol

Senate convened at 1:00 p.m. President Peterson presiding. Invocation by Chaplain Keith Johnson. Pledge of Allegiance to the Flag.

Sergeant-at-Arms Clark escorted the Honorable Jim Rice, Justice of the Supreme Court, into the Chamber. Justice Rice administered the official oath to Carmine Mowbray, Senate District 6.

Senator Mowbray addressed the Senate.

Roll Call. All members present, except Senator Vincent, excused. Quorum present.

BILLS AND JOURNALS: 1/21/2011

Correctly printed: **SB 11**, **SB 24**, **SB 38**, **SB 39**, **SB 47**, **SB 55**, **SB 69**.
Correctly engrossed: **SB 66**, **SB 108**, **SB 128**, **HB 1**.

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Balyeat, Chairman): 1/21/2011
SB 51, introduced bill, be amended as follows:

1. Title, page 1, line 6.
Following: "DRAWINGS;"
Strike: "AND"
Following: "MCA"
Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

2. Page 2.
Following: line 2
Insert: "NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval."

And, as amended, do pass. Report adopted.

SB 158, introduced bill, be amended as follows:

1. Page 2.
Following: line 6
Insert: "(i) the cost incurred by an entity listed under subsection (4)(a) was less than $200;"
Renumber: subsequent subsections

And, as amended, do pass. Report adopted.

SB 186, do pass. Report adopted.

FINANCE AND CLAIMS (Lewis, Chairman): 1/21/2011
HB 1, be amended as follows:

1. Page 1, line 14.
Strike: "$2,903,732"
Insert: "$2,827,566"

2. Page 1, line 15.
Strike: "4,687,281"
Insert: "4,609,477"

3. Page 1, line 16.
Strike: "640,237"
Insert: "616,237"

4. Page 1, line 20.
Strike: "$192,104"
Insert: "$101,521"

5. Page 1, line 21.
Strike: "334,666"
Insert: "161,000"

6. Page 1, line 22.
Strike: "16,500"
Insert: "7,663"

And, as amended, be concurred in. Report adopted.

JUDICIARY (Murphy, Chairman): 1/21/2011
SB 106, do pass. Report adopted.

TAXATION (Tutvedt, Chairman): 1/21/2011
SB 75, introduced bill, be amended as follows:

1. Page 1.
Following: line 22
Insert: "(b) the department holds a public hearing on the alternative office hours in the county seat after providing public notice in a newspaper of general circulation published in the county at least 2 weeks prior to the hearing;"
Renumber: subsequent subsections

2. Page 1, line 24.

Strike: "(4)(b)"
Insert: "(4)(c)"

And, as amended, do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 1/20/2011

HB 18, introduced by Taylor
HB 44, introduced by Hoven
HB 127, introduced by Noonan
HB 141, introduced by K. Peterson
HB 204, introduced by Salomon

MOTIONS

Sen. Tutvedt moved to suspend the rules to allow Sen. Mowbray until Legislative Day 23 to request two bill drafts. Without objection, motion carried.

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 205, introduced by Olson, referred to Energy and Telecommunications.
SB 206, introduced by Jones, K. Peterson, Brown, Mehlhoff, Cook, Milburn, referred to Natural Resources.
SB 207, introduced by Moore, Warburton, referred to Agriculture, Livestock and Irrigation.
SB 208, introduced by Erickson, referred to Education and Cultural Resources.
SB 209, introduced by Tutvedt, referred to Local Government.
SB 210, introduced by Tutvedt, referred to Public Health, Welfare and Safety.
SB 211, introduced by Hutton, referred to Highways and Transportation.
SB 212, introduced by Ripley, Warburton, referred to Fish and Game.

SPECIAL ORDERS OF THE DAY

Senator Lake read the following Joint Proclamation honoring the YMCA:

A JOINT PROCLAMATION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA HONORING THE YMCA

January 21, 2011

WHEREAS, YMCAs throughout America have provided immeasurable benefits to people of all ages for 160 years and the Montana Alliance of YMCAs has served our communities since 1885 when the first Y was organized in Helena; and

WHEREAS, thousands of families in Montana benefit directly from the YMCA's extensive programming for all ages through their focus on youth development, healthy living, and social responsibility; and

WHEREAS, more than 300 Montana high school students learn about civic responsibility by participating in the annual YMCA Youth in Government program which includes the student legislature program; and

WHEREAS, no person is turned away for inability to pay, the Montana YMCAs provide more than $2.3 million of annual support to our communities; and

WHEREAS, more than 3,640 individuals volunteer at the Y each year making the Montana Alliance of YMCAs one of the largest volunteer-driven organizations in Montana.

NOW THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND SENATE OF THE STATE OF MONTANA that the Montana alliance of YMCA's be recognized for its contributions to the citizens of Montana and that January 21, 2011 be declared "Support the Montana Alliance of YMCAs Day."

President of the Senate
Jim Peterson

Speaker of the House
Mike Milburn

Minority Leader
Carol Williams

Majority Leader
Tom McGillvray

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Essmann moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Gillan in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 5 - Senator Brown moved **SB 5** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 44

Nays: Balyeat, Hinkle, Shockley, Sonju, Van Dyk.
Total 5

Absent or not voting: None.
Total 0

Excused: Vincent.
Total 1

SB 10 - Senator Hinkle moved **SB 10** do pass.

SB 10 - Senator Jent moved consideration of **SB 10** be passed for the day.

Yeas: Arthun, Augare, Balyeat, Blewett, Branae, Brenden, Buttrey, Caferro, Erickson, Essmann, Facey, Gillan, Hamlett, Hawks, Hinkle, Jackson, Jent, Jones, Kaufmann, Lake, Larsen, Lewis, Moore, Moss, Olson, Priest, Ripley, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Wittich, Mr. President.
Total 37

Nays: Barrett, Brown, Gallus, Hutton, Keane, Mowbray, Murphy, Sonju, Tutvedt, Walker, Windy Boy, Zinke.
Total 12

Absent or not voting: None.
Total 0

Excused: Vincent.
Total 1

SB 46 - Senator Tropila moved **SB 46** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Vincent.
Total 1

SB 53 - Senator Balyeat moved **SB 53** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Vincent.
Total 1

SB 74 - Senator Steinbeisser moved **SB 74** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Vincent.
Total 1

Senator Essmann moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Peterson in the chair. Chairman Gillan moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Vincent.
Total 1

MOTIONS

Senator Jent moved **SB 10** be moved from the Committee of the Whole committee to the Judiciary committee. Without objection, so ordered.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 11 passed as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Vincent.
Total 1

SB 38 passed as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Vincent.
Total 1

SB 47 passed as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Gallus, Hamlett, Hinkle, Hutton, Jackson, Jent, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Van Dyk, Vuckovich, Walker, Wittich, Zinke, Mr. President.
Total 33

Nays: Blewett, Branae, Caferro, Erickson, Facey, Gillan, Hawks, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Wanzenried, Williams, Windy Boy.
Total 16

Absent or not voting: None.
Total 0

Excused: Vincent.
Total 1

SB 55 passed as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich,

Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Vincent.
Total 1

SB 69 passed as follows:

Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 45

Nays: Balyeat, Hinkle, Moore, Walker.
Total 4

Absent or not voting: None.
Total 0

Excused: Vincent.
Total 1

SPECIAL ORDERS OF THE DAY

Sen. Brown thanked the Pages for their work during the week of January 17-22, 2011.

Sen. Williams raised a point of personal privilege regarding a proposed special event to be held at the Capitol which would charge fees for attending the special event. President Peterson agreed the Capitol belongs to the people of Montana and will not be used for fundraising events.

UNFINISHED BUSINESS

Senator Brenden noted the following changes to Senate Standing Committee:

Judiciary–Terry Murphy Chairman, Jim Shockley, Vice Chairman
Ethics–Debbie Barrett, Chairman

Health–Jason Priest, Chairman, Terry Murphy, Vice Chairman

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Essmann moved that the Senate adjourn until 8:00 a.m., Saturday, January 22, 2011. Motion carried.

Senate adjourned at 2:15 a.m.

MARILYN MILLER
Secretary of the Senate

JIM PETERSON
President of the Senate

SENATE JOURNAL
62ND LEGISLATURE
SEVENTEENTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
January 22, 2011 — State Capitol

Senate convened at 8:00 a.m. President Peterson presiding. Invocation by Chaplain Keith Johnson. Pledge of Allegiance to the Flag. Roll Call. All members present, except Senator Vincent, excused. Quorum present.

BILLS AND JOURNALS: 1/22/2011

Correctly printed: **SB 5**, **SB 46**, **SB 53**, **SB 74**, **SB 106**, **SB 186**.
Correctly engrossed: **SB 51**, **SB 75**, **SB 158**.

Mr. President: We, your committee on Bills and Journals, having examined the daily journals for the sixth, seventh, eighth, ninth, and tenth legislative days, find the same to be correct.

Senator Brown, Chair

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 1/21/2011

HB 117, introduced by Hunter
HB 167, introduced by Regier
HB 235, introduced by Fitzpatrick

REPORTS OF STANDING COMMITTEES

STATE ADMINISTRATION (Shockley, Chairman): 1/21/2011
SB 52, introduced bill, be amended as follows:

1. Page 1, line 20.
Following: "employee"
Insert: "to conduct or supervise audits"

2. Page 1, line 21.
Strike: "fingerprint"
Insert: "state and federal fingerprint-based"

3. Page 1, line 25.
Following: "(b)"
Insert: "A copy of the results of the background check must be delivered to the legislative auditor."

And, as amended, do pass. Report adopted.

SB 120, do pass. Report adopted.
SB 138, do pass. Report adopted.

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 213, introduced by Vuckovich, referred to Highways and Transportation.
SB 214, introduced by Gillan, McClafferty, Facey, Hawks, referred to Taxation.
SB 215, introduced by Gallus, referred to Finance and Claims.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Essmann moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Tutvedt in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 1 - Senator Lewis moved **HB 1** be concurred in. Motion carried as follows:

Yeas: Arthun, Barrett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Mr. President.
Total 43

Nays: Augare, Balyeat, Blewett, Hinkle, Van Dyk, Zinke.
Total 6

Absent or not voting: None.
Total 0

Excused: Vincent.
Total 1

SB 7 - Senator Keane moved **SB 7** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.

Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Vincent.
Total 1

SB 39 - Senator Shockley moved **SB 39** do pass. Motion carried as follows:

Yeas: Augare, Balyeat, Blewett, Branae, Brown, Erickson, Essmann, Facey, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Larsen, Moore, Moss, Mowbray, Murphy, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Van Dyk, Walker, Wanzenried, Williams, Mr. President.
Total 29

Nays: Arthun, Barrett, Brenden, Buttrey, Caferro, Gallus, Jones, Kaufmann, Keane, Lake, Lewis, Olson, Priest, Ripley, Sonju, Tutvedt, Vuckovich, Windy Boy, Wittich, Zinke.
Total 20

Absent or not voting: None.
Total 0

Excused: Vincent.
Total 1

SB 62 - Senator Jones moved **SB 62** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Vincent.
Total 1

SB 65 - Senator Jackson moved **SB 65** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 47

Nays: Gillan, Van Dyk.
Total 2

Absent or not voting: None.
Total 0

Excused: Vincent.
Total 1

SB 76 - Senator Jent moved **SB 76** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brown, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Ripley, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Mr. President.
Total 40

Nays: Balyeat, Brenden, Buttrey, Hinkle, Priest, Sonju, Walker, Wittich, Zinke.
Total 9

Absent or not voting: None.
Total 0

Excused: Vincent.
Total 1

SB 128 - Senator Lake moved **SB 128** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Vincent.
Total 1

Senator Essmann moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Peterson in the chair. Chairman Tutvedt moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Williams, Wittich, Mr. President.
Total 47

Nays: Windy Boy, Zinke.
Total 2

Absent or not voting: None.
Total 0

Excused: Vincent.
Total 1

MOTIONS

Senator Essmann moved to suspend the rules and allow the immediate placement of HB 1 at the bottom of Third Reading. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Williams, Wittich, Zinke, Mr. President.
Total 47

Nays: Wanzenried, Windy Boy.
Total 2

Absent or not voting: None.
Total 0

Excused: Vincent.
Total 1

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 5 passed as follows:

Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 46

Nays: Balyeat, Hinkle, Sonju.
Total 3

Absent or not voting: None.
Total 0

Excused: Vincent.
Total 1

SB 46 passed as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Vincent.
Total 1

SB 53 passed as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Vincent.
Total 1

SB 66 passed as follows:

Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 44

Nays: Balyeat, Hinkle, Jackson, Shockley, Sonju.
Total 5

Absent or not voting: None.
Total 0

Excused: Vincent.
Total 1

SB 74 passed as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Vincent.
Total 1

HB 1 concurred in as follows:

Yeas: Arthun, Augare, Barrett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Vuckovich, Walker, Wanzenried, Williams, Mr. President.
Total 41

Nays: Balyeat, Blewett, Hinkle, Sonju, Van Dyk, Windy Boy, Wittich, Zinke.
Total 8

Absent or not voting: None.
Total 0

Excused: Vincent.
Total 1

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Essmann moved that the Senate adjourn until 1:00 p.m., Monday, January 24, 2011. Motion carried.

Senate adjourned at 9:22 a.m.

MARILYN MILLER
Secretary of the Senate

JIM PETERSON
President of the Senate

SENATE JOURNAL
62ND LEGISLATURE
EIGHTEENTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
January 24, 2011 — State Capitol

Senate convened at 1:00 p.m. President Peterson presiding. Invocation by Chaplain Keith Johnson. Pledge of Allegiance to the Flag. Roll Call. All members present, except Senator Gallus, excused. Quorum present.

BILLS AND JOURNALS: 1/24/2011

Correctly printed: **SB 7**, **SB 39**, **SB 62**, **SB 65**, **SB 76**, **SB 120**, **SB 128**, **SB 138**.
Correctly engrossed: **SB 52**.

LEGISLATIVE ADMINISTRATION (Brown, Chairman): 1/24/2011
MR. PRESIDENT:
We, your committee on Legislative Administration recommend that employment of the following attaches of the Senate be terminated as of 12:00 p.m., Saturday, January 22, 2011:

TITLE	NAME
Pages:	Tiffany Morgan, Columbus
	Caitlin Berg, Helena
	Mikaela Koski, Columbus
	Carissa Krueger, Kalispell

and recommend that the following attaches of the Senate be employed as of 8:00 a.m., Monday, January 24, 2011:

TITLE	NAME
Pages:	Alyson O'Brien, Shelby
	Emily Boyce, Havre
	Joshua Green, Billings
	Lauren Scofield, Havre
	Anthony Stock, Belgrade

Report Adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 1/22/2011

HB 59, introduced by Belcourt
HB 92, introduced by Knudsen
HB 171, introduced by Ingraham

MOTIONS

Sen. Shockley moved to suspend the rules to remove SB 39 from Third Reading. Motion carried as follows:

Yeas: Arthun, Balyeat, Barrett, Branae, Brenden, Brown, Buttrey, Caferro, Essmann, Facey, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 44

Nays: Augare, Blewett, Erickson, Lake, Sonju.
Total 5

Absent or not voting: None.
Total 0

Excused: Gallus.
Total 1

Sen. Shockley moved to refer SB 39 to the Judiciary committee.

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Gallus.
Total 1

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Essmann moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Windy Boy in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 24 - Senator Shockley moved **SB 24** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Gallus.
Total 1

SB 28 - Senator Kaufmann moved **SB 28** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Gallus.
Total 1

SB 51 - Senator Tropila moved **SB 51** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich,

Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Gallus.
Total 1

SB 99 - Senator Brenden moved **SB 99** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Brenden, Brown, Buttrey, Caferro, Essmann, Facey, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Mr. President.
Total 44

Nays: Branae, Erickson, Kaufmann, Tutvedt, Zinke.
Total 5

Absent or not voting: None.
Total 0

Excused: Gallus.
Total 1

SB 100 - Senator Shockley moved **SB 100** do pass. Motion carried as follows:

Yeas: Arthun, Balyeat, Barrett, Branae, Brenden, Brown, Buttrey, Erickson, Essmann, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Larsen, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tutvedt, Vincent, Walker, Windy Boy, Wittich, Zinke, Mr. President.
Total 37

Nays: Augare, Blewett, Caferro, Facey, Gillan, Kaufmann, Moss, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams.
Total 12

Absent or not voting: None.
Total 0

Excused: Gallus.
Total 1

SB 108 - Senator Barrett moved **SB 108** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Essmann, Facey, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 47

Nays: Erickson, Kaufmann.
Total 2

Absent or not voting: None.
Total 0

Excused: Gallus.
Total 1

SB 115 - Senator Hinkle moved **SB 115** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 46

Nays: Branae, Moss, Tropila.
Total 3

Absent or not voting: None.
Total 0

Excused: Gallus.
Total 1

SB 118 - Senator Jent moved **SB 118** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich,

Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Gallus.
Total 1

SB 186 - Senator Steinbeisser moved **SB 186** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Gallus.
Total 1

Senator Essmann moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Peterson in the chair. Chairman Windy Boy moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Gallus.
Total 1

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 7 passed as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Gallus.
Total 1

SB 62 passed as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Gallus.
Total 1

SB 65 passed as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 46

Nays: Gillan, Kaufmann, Van Dyk.
Total 3

Absent or not voting: None.
Total 0

Excused: Gallus.
Total 1

SB 76 passed as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brown, Caferro, Erickson, Essmann, Facey, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Ripley, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Mr. President.
Total 41

Nays: Brenden, Buttrey, Jackson, Priest, Sonju, Vincent, Wittich, Zinke.
Total 8

Absent or not voting: None.
Total 0

Excused: Gallus.
Total 1

SB 128 passed as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Gallus.
Total 1

SPECIAL ORDERS OF THE DAY

Senator Brown introduced the new pages for the week of January 24-29, 2011.

Sen. Gillan raised a personal point of privilege regarding decorum.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Essmann moved that the Senate adjourn until 1:00 p.m., Tuesday, January 25, 2011. Motion carried.

Senate adjourned at 1:48 p.m.

MARILYN MILLER
Secretary of the Senate

JIM PETERSON
President of the Senate

SENATE JOURNAL
62ND LEGISLATURE
NINETEENTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
January 25, 2011 — State Capitol

Senate convened at 1:00 p.m. President Peterson presiding. Invocation by Chaplain Keith Johnson. Pledge of Allegiance to the Flag. Roll Call. All members present, except Senators Jent and Vuckovich, excused. Quorum present.

BILLS AND JOURNALS: 1/25/2011

Correctly printed: **SB 24**, **SB 28**, **SB 51**, **SB 99**, **SB 100**, **SB 108**, **SB 115**, **SB 118**, **SB 186**.

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Balyeat, Chairman): 1/25/2011
SB 165, introduced bill, be amended as follows:

1. Title, page 1, line 8.
Following: "COMPETITION"
Insert: "EXCEPT WHEN NECESSARY FOR PUBLIC HEALTH AND SAFETY"

2. Page 1, line 20.
Following: "competition"
Insert: "unless necessary to protect public health and safety"

And, as amended, do pass. Report adopted.

SB 203, do pass. Report adopted.

NATURAL RESOURCES (Barrett, Chairman): 1/25/2011
SB 9, introduced bill, be amended as follows:

1. Page 4, line 26.
Following: "board."
Insert: "Upon review, the board may request that the corrective action plan be amended pursuant to [section 5] to include a petroleum mixing zone. If the department finds that the conditions for establishment of a petroleum mixing zone in [section 5] are satisfied, the corrective action plan must be amended to include a petroleum mixing zone."

2. Page 7, line 19.
Following: "standards"
Insert: "for petroleum and petroleum constituents"

3. Page 10, line 2.
Strike: "reasonably accessible"

Following: "removed"
Insert: "to the maximum extent practicable"

4. Page 10, line 3.
Strike: "plume" through "is"
Insert: "extent of petroleum contamination has been"

5. Page 10, line 14 through line 15.
Strike: "result" on line 14 through "rule" on line 15
Insert: "exceed a water quality standard adopted by the board pursuant to 75-5-301"

6. Page 10, line 16.
Strike: "Once"
Insert: "If"
Following: "established"
Insert: "and maintained"

7. Page 10, line 19.
Following: "a"
Insert: "no-further-action"
Following: "that"
Strike: "no" through "required"
Insert: "a petroleum mixing zone has been established for the release and describing any conditions required to maintain the petroleum mixing zone"

8. Page 10, line 20 through line 21.
Strike: "prior" on line 20 through "act]" on line 21
Following: "section" on line 21
Insert: ", including a corrective action plan approved prior to [the effective date of this act]"

And, as amended, do pass. Report adopted.

SB 103, introduced bill, be amended as follows:

1. Title, line 5.
Following: "USE IN"
Insert: "CERTAIN"

2. Page 2, line 5 through line 6.
Strike: "<u>for use in heating or cooling</u>" on line 5 through "<u>stream conditions.</u>" on line 6
Insert: "with a maximum appropriation of 350 gallons a minute or less for use in nonconsumptive geothermal heating or cooling exchange applications if all of the water extracted is returned without delay to the same source aquifer and if the distance between the extraction well and both the nearest existing well and the hydraulically connected surface waters is more than twice the distance between the extraction well and the injection well."

And, as amended, do pass. Report adopted.

SB 142, introduced bill, be amended as follows:

1. Page 1, line 13.
Strike: "**Transplantation**"
Insert: "**Notification of transplantation**"

2. Page 2, line 2.
Following: "animal and"
Strike: ", if" through "animal's"
Insert: "if the animal has a"

3. Page 2, line 10.
Strike: "November 30"
Insert: "July 1"

And, as amended, do pass. Report adopted.

TAXATION (Tutvedt, Chairman): 1/25/2011
SB 166, do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 1/24/2011

HB 78, introduced by Cook
HB 91, introduced by Ingraham
HB 126, introduced by Hansen
HB 191, introduced by Flynn

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 216, introduced by J. Peterson, Milburn, referred to Agriculture, Livestock and Irrigation.
SB 217, introduced by Murphy, Shockley, referred to Judiciary.
SB 218, introduced by Steinbeisser, Arthun, Murphy, Larsen, J. Peterson, Ripley, Hamlett, Brown, Jones, Stewart-Peregoy, Tutvedt, Jackson, Olson, McNutt, Sonju, Moore, referred to Agriculture, Livestock and Irrigation.
SB 219, introduced by Branae, Windy Boy, MacDonald, Brown, Van Dyk, Arntzen, Moss, Gillan, referred to Taxation.

MOTIONS

Senator Balyeat moved **SB 198** be moved from the State Administration committee to the Finance and Claims committee.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Essmann moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Hawks in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 25 - Senator Kaufmann moved **SB 25** do pass. Motion **failed** as follows:

Yeas: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Nays: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 25 - Senator Essmann moved **SB 25** be **indefinitely postponed**. Motion carried as follows:

Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Mr. President.
Total 27

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke.
Total 23

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 52 - Senator Tropila moved **SB 52** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 75 - Senator Sonju moved **SB 75** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 120 - Senator Brenden moved **SB 120** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent,

Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 138 - Senator Jones moved **SB 138** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 158 - Senator Facey moved **SB 158** do pass. Motion **failed** as follows:

Yeas: Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Larsen, Moore, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams.
Total 20

Nays: Arthun, Augare, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Keane, Lake, Lewis, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Windy Boy, Wittich, Zinke, Mr. President.
Total 30

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Gallus disclosed a potential conflict of interest since his spouse has been an appointed as the Commissioner of Political Practices.

SB 158 - Senator Essmann moved **SB 158** be **indefinitely postponed**. Motion carried as follows:

Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Gallus, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Vuckovich, Walker, Windy Boy, Wittich, Zinke, Mr. President.
Total 33

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gillan, Hamlett, Hawks, Kaufmann, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried, Williams.
Total 17

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 25 - Senator Hawks moved that **SB 25** be segregated from the Committee of the Whole report and the remainder of the report be adopted. Motion **failed** as follows:

Yeas: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Nays: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Essmann moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Peterson in the chair. Chairman Hawks moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arthun, Balyeat, Barrett, Branae, Brenden, Brown, Buttrey, Essmann, Gallus, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jones, Keane, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Vuckovich, Walker, Windy Boy, Wittich, Zinke, Mr. President.
Total 35

Nays: Augare, Blewett, Caferro, Erickson, Facey, Gillan, Jent, Kaufmann, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried, Williams.
Total 15

Absent or not voting: None.
Total 0

Excused: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 24 passed as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 28 passed as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 51 passed as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 99 passed as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 47

Nays: Erickson, Kaufmann, Tutvedt.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 100 passed as follows:

Yeas: Arthun, Balyeat, Barrett, Branae, Brenden, Brown, Buttrey, Caferro, Essmann, Gallus, Gillan, Hamlett, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Larsen, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tutvedt, Vincent, Vuckovich, Walker, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 40

Nays: Augare, Blewett, Erickson, Facey, Hawks, Kaufmann, Moss, Tropila, Van Dyk, Wanzenried.
Total 10

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 108 passed as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Wittich, Zinke, Mr. President.
Total 47

Nays: Erickson, Kaufmann, Windy Boy.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 115 passed as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Wittich, Zinke, Mr. President.
Total 48

Nays: Tropila, Windy Boy.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 118 passed as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 186 passed as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Essmann moved that the Senate adjourn until 1:00 p.m., Wednesday, January 26, 2011. Motion carried.

Senate adjourned at 2:25 p.m.

MARILYN MILLER
Secretary of the Senate

JIM PETERSON
President of the Senate

SENATE JOURNAL
62ND LEGISLATURE
TWENTIETH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
January 26, 2011 — State Capitol

Senate convened at 1:00 p.m. President Peterson presiding. Invocation by Chaplain Keith Johnson. Pledge of Allegiance to the Flag. Roll Call. All members present. Quorum present.

BILLS AND JOURNALS: 1/26/2011

Correctly printed: **SB 52**, **SB 75**, **SB 120**, **SB 138**, **SB 166**, **SB 203**.
Correctly engrossed: **SB 9**, **SB 103**, **SB 142**, **SB 165**.

MOTIONS

Senator Essmann moved the Republicans caucus until 1:15 p.m. Without objection, so ordered.

Senator Williams moved the Democrats caucus until 1:15 p.m. Without objection, so ordered.

REPORTS OF STANDING COMMITTEES

AGRICULTURE, LIVESTOCK AND IRRIGATION (Steinbeisser, Chairman): 1/25/2011
SB 126, introduced bill, be amended as follows:

1. Title, page 1, line 4.
Strike: "AND"

2. Title, page 1, line 5.
Following: "DEALERS"
Insert: ", AND SMALL PLANT VENDORS"

3. Title, page 1, line 6.
Strike: "EXEMPTING" through "LICENSURE"
Insert: "IMPOSING A FEE FOR CERTAIN PLANT INSPECTIONS"

4. Title, page 1, line 7.
Strike: "PROHIBITING"
Insert: "REQUIRING"
Strike: "FROM"

5. Title, page 1, line 8.
Strike: "ASSESSING A"
Insert: "TO INCLUDE THE ACTUAL COSTS OF INSPECTION, SURVEYS, AND OTHER SERVICES IN THE"

6. Title, line 10.
Following: "AN"
Insert: "IMMEDIATE"

7. Page 1, line 16.
Following: "nursery,"
Strike: "or"
Following: "dealer"
Insert: ", or small plant vendor"

8. Page 1, line 17.
Strike: "or"

9. Page 1, line 18.
Following: the first "dealer"
Insert: ", or small plant vendor"
Following: "nursery,"
Strike: "or"
Following: "plant dealer"
Insert: ", or small plant vendor"

10. Page 1, line 21.
Strike: "or"
Following: "dealer"
Insert: ", or small plant vendor"

11. Page 1, line 22.
Strike: "or"
Following: "dealer"
Insert: ", or small plant vendor"

12. Page 1, line 24.
Strike: "or"
Following: "dealer"
Insert: ", or small plant vendor"

13. Page 1, line 29.
Strike: "or"
Following: "dealer"
Insert: ", or small plant vendor"

14. Page 2, line 3.
Following: "nursery,"
Strike: "or"

Following: "dealer"
Insert: ", or small plant vendor"

15. Page 2, line 8.
Strike: "or"
Following: "dealer"
Insert: ", or small plant vendor"

16. Page 2, line 9.
Following: "nursery,"
Strike: "or"
Following: "dealer"
Insert: ", or small plant vendor"

17. Page 2, line 17.
Following: "nursery,"
Strike: "or"
Following: "dealer"
Insert: ","
Following: the second "or"
Strike: "of a"

18. Page 2, line 24.
Strike: "(a)"

19. Page 2, line 26 through line 28.
Strike: "A firm" on line 26 through "rule." on line 28

20. Page 2, line 29 through page 3, line 1.
Strike: "(b)" on page 2, line 29 through "authority." on page 3, line 1

21. Page 3, line 2.
Strike: "(c)"
Following: "The"
Strike: "fee imposed in subsection (2)(a)"
Insert: "firm, nursery, plant dealer, or small plant vendor shall pay a fee to the department for an inspection conducted pursuant to this section. The fee"

22. Page 3, line 3.
Following: "services"
Strike: "required" through "certificate"
Insert: "performed by the department and may not be less than $42 per hour or more than $50 per hour as established by department rule"

23. Page 3, line 7.
Strike: "July 1, 2011"
Insert: "on passage and approval"

And, as amended, do pass. Report adopted.

SB 143, do pass. Report adopted.

ENERGY AND TELECOMMUNICATIONS (Olson, Chairman): 1/25/2011
SB 109, introduced bill, be amended as follows:

1. Title, page 1, line 6 through line 7.
Strike: "INCLUDING" on line 6 through "RESOURCE";" on line 7
Strike: "SECTIONS"
Insert: "SECTION"
Strike: "90-3-1003" through "90-4-1005,"

2. Page 2, line 17.
Strike: "(a)"

3. Page 2, line 18.
Strike: ", except" through "(10)(b),"

4. Page 2, line 20.
Strike: "(i)"
Insert: "(a)"

5. Page 2, line 21.
Strike: "(ii)"
Insert: "(b)"

6. Page 2, line 22.
Strike: "(iii)"
Insert: "(c)"

7. Page 2, line 23.
Strike: "(iv)"
Insert: "(d)"
Strike: "," through "that:"
Insert: ";"

8. Page 2, line 24 through line 27.
Strike: line 24 through line 27 in their entirety

9. Page 2, line 28.

Strike: "(v)"
Insert: "(e)"

10. Page 2, line 29.
Strike: "(vi)"
Insert: "(f)"

11. Page 2, line 30.
Strike: "(vii)"
Insert: "(g)"

12. Page 3, line 3.
Strike: "(viii)"
Insert: "(h)"
Strike: "(10)(a)"
Insert: "(10)"

13. Page 3, line 4 through line 5.
Strike: "(ix)" on line 4
Insert: "(i)"
Strike: "this" on line 4 through "(10)(a)" on line 5
Insert: "subsections (10)(a) through (10)(j)"

14. Page 3, line 6.
Strike: "(x)"
Insert: "(j)"
Strike: "(10)(a)"
Insert: "(10)"

15. Page 3, line 8 through line 10.
Strike: line 8 through line 10 in their entirety

16. Page 4, line 10 through page 7, line 7.
Strike: sections 2 and 3 in their entirety
Renumber: subsequent section

And, as amended, do pass. Report adopted.

FISH AND GAME (Brenden, Chairman): 1/25/2011
SB 90, introduced bill, be amended as follows:

1. Page 1, line 11 through line 18.
Strike: section 1 in its entirety
Insert: "NEW SECTION. **Section 1. Hunters united to stop hunger -- findings -- rulemaking**. (1) The legislature finds that:

(a) some areas of the state are overpopulated with deer and antelope as evidenced by the sale of B tag licenses to meet population management objectives established by the commission pursuant to 87-1-323;

(b) to encourage the purchase of all available B tag licenses and the taking of game animals with those licenses to meet population management objectives, it is necessary to remove a barrier to the harvest of additional animals by establishing the hunters united to stop hunger program, which facilitates the donation of harvested game animals to charitable or nonprofit organizations for free distribution by depositing $3 from each deer or antelope B tag license sold into the hunters united to stop hunger account established in [section 2] to pay for the processing of the donated game; and

(c) use of this population management program is in the best interest of the state when deer and antelope B tag licenses are issued for game management purposes.

(2) The department shall:

(a) transfer $3 from each deer or antelope B tag license sold into the hunters united to stop hunger account established in [section 2]. The department may suspend the transfer upon receipt of a written determination from the United States fish and wildlife service that the provisions of this section constitute a diversion of license fees.

(b) adopt rules governing the payment of funds from the hunters united to stop hunger account to meat processors for the processing of donated game animals. The rules may include the use of a request for proposals process in areas where a competitive meat processing market exists."

2. Page 1, line 24.
Following: "(a)"
Strike: "$1"
Insert: "pursuant to the provisions of [section 1], $3"
Strike: "hunting"
Insert: "B tag"

3. Page 1, line 28.
Following: "(3)"
Insert: "(a)"
Strike: "Any"
Insert: "Except as provided in subsection (3)(b), any"

4. Page 1.
Following: line 29
Insert: "(b) (i) If the unencumbered balance of the account exceeds $50,000 at the end of any fiscal year, the portion of the balance above $50,000 must be transferred to the department's general license account.

(ii) If the department receives a written determination from the United States fish and wildlife service that the provisions of [section 1] constitute a diversion of license fees, any unencumbered balance in the account must be transferred to the department's general license account."

And, as amended, do pass. Report adopted.

SB 92, introduced bill, be amended as follows:

1. Page 1, line 10.
Following: "**state**"
Insert: "**-- capture**"
Following: "~~(1)~~"
Insert: "(1)"

2. Page 1, line 15.
Following: line 14
Insert: "(2) Nonresidents may capture raptors in Montana for falconry or captive breeding purposes pursuant to rules adopted under 87-5-204.
(3) A resident of a state that does not allow Montana residents to trap raptors in that state may not obtain a trapping permit in Montana."

And, as amended, do pass. Report adopted.

SB 135, introduced bill, be amended as follows:

1. Page 2, line 9.
Following: "(4)"
Insert: "(a)"
Following: "may"
Insert: ":
(i)"

2. Page 2, line 10.
Following: "season"
Strike: "."
Insert: ";
(ii) carry any weapon allowed by law; and
(iii) dispose of the wounded game animal using the weapon allowed pursuant to the valid hunting license.
(b)"

3. Page 2, line 12.
Following: "harness."
Insert: "(c)"

4. Page 2, line 13.
Following: "87-3-302."
Insert: "(d)"

And, as amended, do pass. Report adopted.

SB 136, introduced bill, be amended as follows:

1. Title, line 5 through line 6.
Strike: "DEFINING" on line 5 through "LICENSES;" on line 6

2. Title, line 6.
Following: "SECTIONS"
Strike: "87-2-102, 87-2-106, AND"
Insert: "87-1-290,"
Following: "87-2-514,"
Insert: "and 87-2-515,"

3. Page 1, line 11 through page 6, line 16.
Strike: section 1 through section 3 in their entirety
Insert: "Section 1. Section 87-1-290, MCA, is amended to read:

"87-1-290. (Effective March 1, 2011) Hunting access account. (1) There is a hunting access account in the state special revenue fund. Funds deposited in this account may be used only for the purpose of funding any hunting access program established by law or by the department through administrative rule.

(2) The following funds must be deposited in the account:

(a) 25% of the fee for Class B-10 nonresident big game combination licenses pursuant to 87-2-505(1)(c) and 25% of the fee for Class B-11 nonresident deer combination licenses pursuant to 87-2-510(1)(b);

(b) 25% of the fee for hunting licenses issued to nonresident ~~children~~ relatives of a resident pursuant to 87-2-514; and

(c) the hunting access enhancement fees assessed pursuant to 87-2-202(3)(c) and (3)(d).

(3) Any interest or income earned on the account must be deposited in the account.""

Insert: "Section 2. Section 87-2-514, MCA, is amended to read:

"87-2-514. Nonresident ~~child~~ relative of resident allowed to purchase nonresident licenses at reduced cost -- definitions. (1) For the purposes of this section, the following definitions apply:

(a) "Nonresident relative of a resident" means a person born in Montana who is the natural or adoptive child, sibling, or parent of a resident but is not a resident.

(b) "Resident" means a resident as defined in 87-2-102.

(2) Except as otherwise provided in this chapter, a ~~person who is not a resident, as defined in 87-2-102, but who is the natural or adopted child~~ nonresident relative of a resident~~, as defined in 87-2-102, and~~ who meets the qualifications of subsection ~~(3)~~(5) may purchase:

(a) a Class B nonresident fishing license~~,~~;

(b) a Class B-1 nonresident upland game bird license~~, and~~;

(c) a Class B-7 nonresident deer A tag; and

(d) ~~at the reduced cost specified in subsection (2) and may purchase~~ a Class B-15 nonresident ~~child's~~ elk license as provided in 87-2-515.

(3) This section does not allow a nonresident ~~child~~ relative of a resident to purchase nonresident combination licenses at a reduced price.

~~(2)~~(4) The fee for a nonresident license purchased pursuant to subsection ~~(1)~~(2) is twice the amount charged for an equivalent resident license. The nonresident ~~child~~ relative of a resident shall also purchase a nonresident wildlife conservation license as prescribed in 87-2-202 and pay the nonresident hunting access enhancement fee in 87-2-202(3)(d) if the nonresident ~~child~~ relative of a resident purchases a hunting license.

~~(3)~~(5) To qualify for a license pursuant to subsection ~~(1)~~(2), a nonresident ~~child~~ relative of a resident shall apply at any department regional office or at the department's state office in Helena and present proof of the following:

(a) a birth certificate verifying the applicant's birth in Montana;

~~(b) a high school diploma from a Montana public, private, or home school or certified verification that the applicant has passed the general educational development test in Montana~~

(b) evidence that the person previously held a Montana resident hunting or fishing license or has passed a hunter safety course in Montana pursuant to 87-2-105; and

(c) proof that the applicant ~~has a natural or adoptive parent who is a current Montana resident, as defined in 87-2-102~~ is a nonresident relative of a resident.

~~(4) A qualified nonresident child of a resident may purchase licenses pursuant to subsection (1) for up to 6 license years after receiving a diploma or passing the general educational development test as provided in subsection (3)(b).~~

~~(5) A nonresident child of a resident who has been issued a hunting license pursuant to this section is not eligible to apply for or be issued any nonresident special permit.~~

~~(6) A nonresident child of a resident who has been issued a hunting license pursuant to this section must be accompanied by a licensed resident family member while hunting in the field.~~""

Insert: "Section 3. Section 87-2-515, MCA, is amended to read:

"87-2-515. Class B-15 nonresident ~~child's~~ elk license. (1) Except as otherwise provided in this chapter, a nonresident ~~child~~ relative of a resident who is qualified to purchase licenses pursuant to 87-2-514 may purchase a Class B-15 nonresident ~~child's~~ elk license for twice the amount charged for a resident Class A-5 elk tag.

(2) A Class B-15 license entitles the holder to hunt elk in areas designated by the commission, at the times and upon the terms set forth by the commission, and to possess the carcass of an elk authorized by the license as set forth in department rules.""

Renumber: subsequent section

And, as amended, do pass. Report adopted.

SB 160, introduced bill, be amended as follows:

1. Title, line 5.
Following: "ROADS AND"
Insert: "DESIGNATED"

2. Page 1, line 11.
Strike: "**Protection of riparian vegetation -- limit on motorized**"
Insert: "**Limits on**"
Following: "**camping**"

Strike: "**,**"
Insert: "**in riparian areas and**"

3. Page 1, line 12.
Following: "**vehicles.**"
Insert: "(1)"

4. Page 1, line 13 through line 14.
Following: "streams"
Insert: ","
Strike: ":" on line 13 through "(1)" on line 14

5. Page 1, line 15.
Strike: "; and"
Insert: "."

6. Page 1, line 16.
Strike: "the off-road"
Insert: "The"

7. Page 1, line 17.
Following: "except"
Strike: "on designated" through "purposes"
Insert: ":
(a) for administrative purposes; or
(b) as designated by the department on roads, trails, or specific areas"

And, as amended, do pass. Report adopted.

HIGHWAYS AND TRANSPORTATION (Jones, Chairman): 1/25/2011
SB 140, introduced bill, be amended as follows:

1. Page 4, line 4.
Strike: "10"
Insert: "26"

2. Page 4, line 14.
Following: line 13
Insert: "NEW SECTION. **Section 3. Implementation.** (1) The commission shall issue a certificate of public convenience and necessity that authorizes a motor carrier to provide charter service if the motor carrier provides written documentation or business records to the commission that demonstrate during the 1-year period prior to January 1, 2011, the motor carrier:
(a) provided charter service;
(b) transported passengers with a motor vehicle designed to carry more than 10 passengers; and

(c) obtained a USDOT number from the U.S. department of transportation as provided in 49 CFR 390.19.

(2) The written documentation or business records must be submitted to the commission within 6 months following [the effective date of this act].

(3) The commission shall issue all certificates of public convenience and necessity under subsection (1) by July 1, 2012.

(4) After July 1, 2012, a motor carrier subject to regulation by the commission may not transport passengers in charter service without a certificate of public convenience and necessity."

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 1/25/2011

HB 12, introduced by Menahan
HB 57, introduced by Hiner
HB 61, introduced by MacLaren
HB 89, introduced by Ingraham
HB 119, introduced by Hendrick
HB 250, introduced by Menahan

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 220, introduced by Gillan, referred to Agriculture, Livestock and Irrigation.
SB 221, introduced by Gillan, referred to Business, Labor, and Economic Affairs.
SB 222, introduced by Augare, referred to Local Government.
SB 223, introduced by Zinke, referred to Business, Labor, and Economic Affairs.
SB 224, introduced by Priest, referred to Finance and Claims.
SB 225, introduced by Priest, referred to Energy and Telecommunications.
SB 226, introduced by Priest, referred to Energy and Telecommunications.
SB 227, introduced by Priest, referred to Finance and Claims.
SB 228, introduced by Priest, referred to Business, Labor, and Economic Affairs.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Essmann moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Vincent in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 106 - Senator Priest moved **SB 106** do pass.

SB 106 - Senator Blewett moved consideration of **SB 106** be passed for the day. Motion **failed** as follows:

Yeas: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Nays: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 106 - Thereupon, the Senate reverted to the original motion of Senator Priest which passed as follows:

Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 125 - Senator Wittich moved **SB 125** do pass. Motion carried as follows:

Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Caferro, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.

Total 29

Nays: Augare, Blewett, Branae, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJ 7 - Senator Brenden moved **SJ 7** do pass. Motion carried as follows:

Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Gallus, Hamlett, Hinkle, Hutton, Jackson, Jones, Keane, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Vuckovich, Walker, Wittich, Zinke, Mr. President.
Total 32

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gillan, Hawks, Jent, Kaufmann, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried, Williams, Windy Boy.
Total 18

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Essmann moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Peterson in the chair. Senator Vincent moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hamlett, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 29

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 52 passed as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 75 passed as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 120 passed as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 138 passed as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: Williams.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

REPORTS OF STANDING COMMITTEES

PUBLIC HEALTH, WELFARE AND SAFETY (Priest, Chairman): 1/24/2011
SB 156, do pass. Report adopted.
SB 176, do pass. Report adopted.

ANNOUNCEMENTS

Committee meetings were announced by committee chairs.

Senate recessed at 2:45 p.m.

Senate reconvened at 6:40 p.m.

Roll Call. All members present, except Senator Blewett, excused. Quorum present.

MOTIONS

Senator Essmann moved that the Senate recess and proceed to the House of Representatives for the Governor's State of the State address. Upon adjournment of the Joint Session, the Senate will be adjourned until the hour of 1:00 p.m., Thursday, January 27, 2011. Without objection, so ordered.

After the Senate was introduced in the House Chambers, President Peterson assumed the chair.

Rep. McGillvray moved that the House resolve itself into a joint session for the purpose of receiving the State of the State address from the Honorable Brian Schweitzer, Governor of the State of Montana. Motion carried.

Senator Essmann moved that President Peterson be authorized to appoint a committee of four to notify the Governor that we are in Joint Session and ready to receive the State of the State address. Motion carried.

President Peterson appointed Senator Williams, Senator Vincent, Representative Court and Representative Vance, and the committee escorted Governor Schweitzer into the chambers.

The colors were posted by members of the Montana National Guard.

The third grade class from the Montana City Elementary School led the body in the Pledge of Allegiance.

Monseigneur O'Neill gave the invocation.

Sergeant-at-Arms Clark escorted Governor Schweitzer into the House Chamber. President Peterson introduced Governor Brian Schweitzer to the joint session, and the Governor gave the following speech:

Thank you. Mr. President, Mr. Speaker, my fellow Montanans: It is my honor to address the 62nd meeting of the Montana Legislature.

First, I want to welcome my business partner, the mother of our children and on Sunday my wife for 29 years. Thanks for putting up with me, Nancy.

And I'd like to welcome my mother. About 30 minutes ago as she walked in, she looked me over, she said, "Aren't you going to shine your boots?" And I said, "Mom, I'll be standing behind a podium; they won't even see them." "Well, you should shine them anyways." And then she gave me a word of advice, remember Mom? She said, "Are you going to remember to thank the people of Montana for giving you this opportunity?" Good manners, mom. Thank you.

Lt. Governor John Bohlinger and Karen: John, remember seven years ago when we proposed to the people of Montana that we would try something that had never been done before? We said that a Democrat and a Republican can work together in governing Montana. Did you notice last night back there in Washington, D.C.; they're pretty proud of themselves for sitting together for one hour? In Montana, we've governed together for 6 years. Thank you for your leadership, thank you for your courage, thank you for your vision, John Bohlinger.

Since we met last, two years ago roughly, we've lost some great Montanans. And I'll start with my father, Adam, who was born in Montana, left only to fight for our country during World War II and for nearly 9 decades was a proud rancher. While he and my mother never graduated from high school, his proudest moment was when he sent all six of his kids to university. Thanks, Dad, we're praying for you.

We lost an extraordinary leader, one of the greatest leaders in Indian Country, my friend Chairman Carl Venne of the Crow Nation. We'll miss you, Carl.

And two of our heroes that keep our highways safe, two highway patrolmen, David DeLaittre of Belgrade and Michael Haynes of Kalispell. God rest your souls.

We lost a volunteer EMT from Glasgow by the name of Melissa Greenhagen.

And once again, I stand before you as the Governor of Montana to report the names of the men who have given all in service to our country during the last two years. I'll read their names:

Andrew Charpentier, Great Falls;
Garnet Derby, Missoula;
George Anthony Kellum, Lame Deer;
Michael Rogers, White Sulphur Springs;
Terry Lynch, Shepherd;
Trevor Johnson, Forsyth;
Shannon E. Swartz, Great Falls;
Reginald "Reg" Richard Lawrence, Jordan;
Jed P. "Cole" Naisbitt, West Yellowstone;
Nicholas Cook, Hungry Horse;
Jeremiah Sipes, Belgrade;
Kerry Sweten, Columbus;
Ryan Buckles, Poplar;

Byron Whitcomb, Whitefish;
Shane Barnard, Box Elder;
Jeremiah Wittman, Billings;
Lawrence Gregor, Helena;
Nicolas Uzenski, Bozeman;
James Stright, Libby;
Benjamin Pigman, Hamilton.

Can we have a moment of silence to honor these men who gave their all? Thank you.

Well, Elvis isn't in the house tonight, but we have a lot of important guests, led by the Attorney General Steve Bullock. It's all right, give him a little love.

Secretary of State Linda McCulloch. We call her Auditor, but she's actually our Insurance Commissioner, Monica Lindeen, and our Superintendent of Public Instruction, Denise Juneau.

We have our members of the PSC Commission here tonight. Thank you.

We have tribal leaders, who have come from many of our tribal nations across Montana. Thank you for making the trip.

We have Governor Tim Babcock and First Lady Betty Babcock. God bless you. Thanks for coming. Now, Betty's told me the story of how they, for a while, had a monkey while they were living in the Governor's residence, but that's a story for another night. Okay, Betty?

And members of my cabinet and my staff. I'm biased here, but I think we have the best educated, most dedicated cabinet and staff in the history of Montana. Thank you on my good days for making me look good. Thank you.

We share a common history and we must aspire to a common destiny. Our work during this 62nd meeting of the Legislature must be inspired by the collective goals, hopes, and dreams of the mothers and fathers across Montana.

And while we gather here in the capitol city for 90 days and nights - our bosses continue to do Montana's work in every community across Montana: the cook and farmer; the truck driver and the mechanic; the teacher and the student; the doctor and the nurse; the engineer and the contractor; the coal miner and boilermaker; the general and the soldier; the logger and carpenter; parents and children with big dreams under the big sky. Each morning at breakfast moms and dads prepare our leaders of tomorrow for the schools of today and each night they pray together. They pray together for a better and new day.

Your mission, members of this legislative assembly, is to prepare Montana for that new day, a day of more opportunity, more freedom, lower taxes, new opportunities, better schools and higher paying jobs.

And while building a Montana for those high paying jobs, we will not forget those who have protected us in the past. They fought for our individual freedoms, to be who we are, unique, and the right to life, liberty and the pursuit of happiness.

Now is time to bring Montana together. Don't divide us with divisive language and legislation. Let us celebrate diversity and not abridge our individual rights and choices.

Thomas Jefferson said, "The God who gave us life, gave us liberty."

Please bring me bills that unite Montana, bills that help our businesses create jobs, bills that prepare our students for a better tomorrow: I'll sign them. Each bill you send my office ought to create more, higher paying jobs. The people who sent us to this Capitol had two messages for us: work together and create more job opportunities in Montana as soon as possible.

These are serious times. Don't send me bushels of frivolous and feel-good bills and unconstitutional statements. If you aim for nothing, you will hit it every time... let's aim high, let's aim for higher paying jobs.

Montana expects us to get a few things and to get them right. First, they expect you, this Legislature, to get a balanced budget back to my office in 90 days. Second, this is important, they expect you to reform a bloated, unworkable workers' compensation system that is fair for workers and helps small business start and grow in Montana. Third, and this might be your most important task and, if you get it right, it will create thousands of jobs in Montana. If you get it wrong or you don't finish it, there will be pink slips that go to workers across Montana. Montana expects you to fix the eminent domain laws. Do it soon, do it now. Let's get Montana working again.

It was Henry Ford that said "Don't find fault, find a remedy."

Montana has always been a state of dreamers, those gold miners who raked the gravel at Alder Gulch and later hit it rich at the Drumlummon mine. The homesteaders, like my grandparents, who came to Montana with just the clothes on their back, faith in God and the promise of owning their own land. The first Montanans who for hundreds of generations cared for our peaks and our prairies, our rivers and our wildlife, each generation protecting the dreams of the three generations before them and nurturing the dreams of the three generations that would follow them.

Yes, Montana, we are home to big dreamers, risk takers, and great doers. Let's help those dreamers soar to their goals. I've proposed a balanced budget for this body to consider that continues to invest in a world-class education; that protects the elderly, the disabled, the least fortunate; maintains our public safety; cuts taxes for homeowners and eliminates the business equipment tax and still maintains the second largest savings account in the history of Montana. A proposed savings account that is four times larger than the average savings account of the four previous administrations during the last sixteen years.

During the last six years, working together, we've cut more taxes for more Montanans than any

time in history. We've attracted businesses, small and big, to start and grow in Montana. We've developed more new energy and we've created an education system that's more affordable, more accessible, more digital, and more relevant.

The great recession landed in Montana like the rest of the world. Legislature, in your absence, we made some tough decisions, and we cut five percent and more from the last budget that you sent me. The hardworking state employees, the people who do the work that matters, they started first and they agreed two years ago to a two-year salary freeze. And then we asked Montana for their ideas, and we got a thousand and more ideas on how to make Montana more efficient. The Lieutenant Governor and myself, we started by cutting $11,764 from our own salaries. Sorry, John. We sold 15 percent of the state's car fleet and we increased the gas mileage on the remaining fleet to 35 miles per gallon. We stopped out-of-state travel, we decreased in-state travel by replacing that travel with technology, and we stopped buying new computers. We decreased the number of state cell phones, and we curtailed the service plans for the ones that we had. We combined our state department servers and we reduced energy consumption by 20 percent in our state-owned buildings.

I thought that's something Republicans, Democrats, everybody can clap for: reducing energy consumption.

We decreased the size of the workforce, we stopped printing state phone books, we re-negotiated building and office leases which rooted out sweetheart deals that were signed and negotiated by previous administrations. And our Department of Revenue contacted out-of-state companies who had not been paying their taxes for decades, and they collected $80 million, new dollars, to the state of Montana from people who owed us this money.

Today, we're one of few states in the black. We're one of a few states with cash in the bank. I asked Doctor No, the director of our budget office today, and I said "David, how much cash do we have in the bank?" And he said, "$330,997,350.84.

That's not an estimate. That's not an estimate, that's not a prediction, that's not some kind of a model. That's cash in the bank. Now, that probably doesn't mean a lot to folks. Well, how much money ought we to have in the bank. What's the normal amount? So, I looked into that and I can tell you this, that in the years before I was elected Governor, all the way back to 1889, we've never had a single time in the history of the state of Montana that we had $330 million in cold hard cash in the bank.

This is a good time to have cash, and we've heard a lot about revenue predictions. It was Niels Bohr who won the Nobel Prize that said, "Predictions are difficult, especially if they're about the future." Well, I agree. Predictions are difficult, but perhaps history is our best indicator of the future. The revenue predictors in this building, since I was elected Governor six years ago, have underestimated our revenue on average by three hundred and eight million dollars every biennium. Not sometimes high and sometimes low. Always low, always wrong and always way low.

Now, I know that there's many people like me that like to hunt in the fall and you know the ritual. In the fall of the year you go out to the range or you go out against a big hill and count off a hundred and fifty or two hundred yards and then you put that bull's-eye up and you slide one round in and squeeze a shot off and you look, eleven inches low. Try it again, twelve inches low. One more time, twelve inches low. Ah ha, we'll adjust. So, then you turn it three quarters of a turn up, you fire again, six inches high, quarter turn back, bull's-eye, we're ready.

Don't you think it's time for us to readjust how we make our guesses around here? Don't you think? Let me just say this: Let us commit to be weary of half-truths; we may just get the wrong half.

We have the money for our priorities, we have over $300 million dollars in the bank; and, even if the estimates of declining revenues are correct, and they're not, we can write a check from the savings that we have in the account and not raise taxes and still fund the critical priorities of Montana. That's good business management.

All of the economic indicators are up. I'll give you an example. For this year the revenue estimators had thought that maybe we would increase our total revenue by 2.75 percent. We're already six months into the year and we're increasing our revenues by approximately 10 percent. Dan Bucks, over at the Department of Revenue, told me yesterday that for the first six months, our wages withholding are on a pace this year to break the all-time record for wages withholding. Meaning simply this: This will be the year that wage earners will be paid more collectively, totally more than any time in history. That's got to be a good sign as well.

Coal and oil production up and prices are too. We're increasing our wind energy at one of the fastest rates in the country. Platinum, $785; gold, $1,325; copper, $4.24; and this last year we grew the biggest wheat crop in the history of Montana, 212 million bushels and all over Montana and they're selling it for $8 a bushel. The biggest hay crop in the history of Montana, well, even the Republicans clapped at a good hay crop, that's good, we're getting somewhere. And for the first time in a generation, both grain and cattle prices are high. The farm sector harvested $3 billion dollars and more for the very first time in the history of Montana: that's got to be a good indicator. There we go, Eric. Eric's clapping, because he's got a feedlot and he's buying a bunch of these expensive calves and he's hoping they'll be worth some money when he gets them fat.

But some Republican legislators talk like everything's broken in Montana. If you'd like to help, help us bring businesses to Montana, help us promote, accentuate the positive. Now, we're not perfect, we can improve, but the *Wall Street Journal*, the *New York Times*, Fox News, CNN and MSNBC hold Montana up as a model for fiscal discipline. Wall Street has improved Montana's bond rating for the first time in 30 years, and for the first time in the history of Montana, we now have a double A plus bond rating. There you go. The Republicans are for a good bond rating, I like that everyone likes a bond rating.

The U.S. Chamber of Commerce has just named Montana the number one state in the nation to start and grow a business. The Tax Foundation has rated us the sixth most business friendly tax state, and we have the fourth most educated work force. Of course, during the last ten

years, Montana's gross product, the aggregate of all of the service and products that we produce, has increased by 65 percent. During a ten-year period we've increased by 65 percent and during that time, for your information, while we grew our gross domestic product by 65 percent, we only increased the number of real state employees by 2.4 percent. I would put that record against any government, large or small, worldwide, any corporation, or any business, large or small, to increase your output by 65 percent and only increase the number of employees by two-point-four percent. Thank you, Montana state employees, for being so efficient. Thank you.

After more than a decade of effort, the Montana Land Board put the Otter Creek tracts up for competitive auction. We recruited one of the largest coal companies on the planet, Arch Coal, to write us a check for more than $80 million dollars just to have the right to begin to get the permits to open that mine. Let me tell you how important that mine is. That mine, during the next 30 years, will mine 1.5 billion ton of coal, approximately equal to all of the coal that we have mined during the history of Montana. It will create thousands of jobs, Duane Ankney, in your back yard, and it will send more than $5 billion dollars worth of royalties and taxes to this Legislative body to decide what to do with during the next thirty years. Thank you to the Montana Land Board. Thank you for your efforts.

Now, the rest of the world recognizes Montana's business environment and money management skills. Montana's best days are ahead of us. I would ask Montana's leaders to join the course. Remember, it was the optimist who built the airplane, the pessimist who thought of the parachute.

I've invited, tonight, some of the companies that have proven to the world that Montana is the greatest place in the world to start a business. In 2009, some folks stopped into my office from a little mining company from Toronto, Canada, called RX Exploration. They said to me, "We've been buying a few of these mining patents in Montana. We're not sure what we're going to do, because we've been hearing that Montana's not a good place to mine. Regulations are tough, people don't want miners here, and they told us in Canada, bad place to mine. We got here and we even had business leaders who said 'Oh don't come here, bad place to mine." I said, "Listen to me, why don't we walk over to our Department of Environmental Quality, and I'll introduce you to the people who will actually do the permitting. You can ask them every question that you might have about permitting that mine." So, Murray and I, would you please stand up, stand up please, the President and CEO of RX Exploration, well, they didn't listen to those folks. They said they'd take a gamble on Montana. They went back into that Drumlummon mine, and they cored for about a week and they cored into the Charlie vein. Now, the Charlie vein has been recognized right now by mining engineers all over the world as the richest quartz vein on the planet. The Charlie vein has 12 ounces of gold and 55 ounces of silver per ton. Here's what this means: Every rock that they drag out of the mine before it's processed is worth $8 dollars a pound, and now RX minerals is recognized around the world for developing the Drumlummon mine. Thank you for taking a risk and thank you for employing a hundred and forty Montanans.

John DeMichiei is here. Stand up, John. In May of 2008, I traveled out of state and met a fellow by the name of Wayne Boich. Wayne Boich, his father and uncle, had been in the coal

business going back for the last 50 years, mostly in western Virginia and Ohio. Right away, I started telling him about all the great coal deposits we had in Montana, and it wasn't long before I was bragging up that mine that we have, we could start there in Roundup, the Bull Mountain. Well, it got kind of interesting, one thing led to another, and it was just 16 months later, after that first conversation, that they'd invested $500 million dollars in Montana, opened the Signal Peak mine, built the longest spur on the Burlington Northern Santa Fe system in the entire western United States, 35 miles, the longest one built in the last 35, and now they have a capacity to produce a half million tons every single year. Thank you for testing us. Thank you for employing 263 miners in Montana. Thank you to Signal Peak.

Back in 2005, this body decided it was a good idea to put a little money aside, so that we could attract different companies to come here, because a lot of companies say, "I'd come to Montana but, you know, we make widgets and you don't have a single widget here in Montana. We're going to have to train people. Would you help us train those people for those emerging jobs?" It was this body that agreed to put some money aside so we could attract companies, and one of the first companies that we attracted was Don Parkin, stand up Don, Executive Vice President of Avmax. Now, Avmax repairs airplanes and with our job training and their good marketing skills and management they decided Great Falls was a great place to employ a hundred and sixty people. Speaker Milburn, I believe you and I were there, together, when we cut that ribbon. Thank you, Avmax, for choosing Montana.

A billion years ago and a little longer there was an intrusion that rose up from the center of the earth. It was a molten material, and it drove its way within two miles of the surface near Billings, Montana, and then started to cool, and it spread out like the cap of a mushroom for 50 miles all around. Well, that was a billion years ago and, well, frankly, the whole world was a single continent, and we were all under ocean and nobody noticed. But, through time, there were a few changes and about 990 million years later the Beartooths rose up, your backyard there, Jason Priest, and it pushed that Stillwater complex into the mountain. Frank McAllister is here. Why don't you stand up, Frank? Frank McAllister is the CEO of Stillwater Mining Company and in that Stillwater complex, that intrusion, we have the only platinum and palladium mine in the Western Hemisphere. I mentioned to Frank here a little earlier today, he was saying he just got back from Bermuda peddling that palladium and I said, "Well Frank, don't complain, you were working just as hard two years ago when palladium was worth a hundred and eighty dollars an ounce and now it's $785 an ounce, I think you can afford to scoot around just a little bit." Let me tell you something about Frank McAllister and the Stillwater Mine. They employ thirteen hundred and fifty-two Montanans, including 81 new hires, and a few years ago, when some of the neighbors were concerned about this mine and what kind of effluent might come from that mine and when the roads would be built and the kinds of transition lines, it was Frank McAllister that sat down with the community and the environmental community and said, "We want to be a good neighbor." They created the good neighbor policy and if you travel within a 30-mile radius of the Stillwater mine you will find neighbors who say, "We love that mine." Thank you for continuing to mine in Montana. Thank you, Frank McAllister, for being a good neighbor.

When this body passed the renewable portfolio standard in 2005, we knew that we had the best energy resources on the planet. We didn't know which companies would come here. We didn't

know a company like Naturener, from Spain, knew about the wind energy of Montana. We didn't know that they would make this kind of investment. Bill Alexander, who is the Chief Development Officer in North America, would you please stand up, Bill? Naturener currently has the largest wind farm in Montana, near Shelby. It's the Glacier Wind Farm with 210 megawatts. They're building an even larger wind farm called Rim Rock with 309 megawatts. This farm, collectively, will be the largest wind farm in the Pacific Northwest. They've employed 1,200 construction workers, 50 full-time employees and they pumped $17 million worth of royalties and taxes into the local community and to the state of Montana. Bill, thanks for believing in Montana. Thank you.

In 1996, a fifth generation ranch kid decided to do some manufacturing in Montana and he, like me, has a love for all things dogs, especially border collies, and so he started making pet toys. And then West Paw Design expanded, then expanded again, and expanded again. And people kept saying to him, "You can't manufacture in Montana, don't manufacture in the United States, take it to Asia, like everybody else." Not Spencer Williams, he's a Montana boy. He said we'll just keep growing here and, today, they sell their pet toys in 3,000 stores in 24 countries, and he employs 41 people in Bozeman. Thank you very much. Stand up, Spencer. Thank you very much. Thank you for your love of animals.

In 1967, an optimistic Okie started his own little oil company. He drilled and poked around in Oklahoma and Texas and Kansas and went broke and sometimes made money and sometimes made a little bit more money, and things got a little better, and he started a publically traded company called Continental Resources. Harold Hamm, well, he got to thinking about maybe coming up to the Bakken about a dozen years ago and maybe fracking it like he had some shales in some other places. Harold, would you stand up? So, Harold came up to the Bakken and he was one of the early guys and he told me here a little while ago he had it all figured out when he got here. So, he drilled about 9,000 feet deep and did all that horizontal and he fracked it and he put exactly the right kind of sand and water and chemical in it and nothing, nothing, dry hole, $5 million gone. So, naturally, he's from Oklahoma, he did it again, and again, and again, and again, and again, and again, and finally he hit it and Harold Hamm and Continental Resources is the largest oil producer in the Bakken today. He has 853,000 acres leased. Harold Hamm, more than anybody else on the planet, is the man with the key to unlocking the oil in the most important oil deposit in the United States, but there's more to the story.

Four years ago, the oil producers in eastern Montana, western North Dakota contacted me saying, "We're getting twenty and thirty dollar discounts." Harold says, "Why? Because we're actually producing more oil than we can put in the pipelines and we have to ship some of it on the rail and these, well, these pipeline operators, well, sometimes they can be rascals." Who knew? So, we got the Governor of North Dakota and the Governor of Wyoming and a bunch of oil producers together in Billings, we talked about this. And we were able to relieve some of these bottlenecks and we got some more of that oil moving in the existing infrastructure. Price went up for a while, then they started producing more oil and more oil, and then we started getting that squeeze again. So, everybody was real excited when TransCanada announced that they're going to put this huge pipeline in--right, Harold--going all the way up there from northern Alberta right through our oil patch and on down to the markets in Cushing, Oklahoma.

Eureka, we're in good shape. Harold and a bunch of the other oil guys started contacting TransCanada saying, "Boy, we'd sure like to sign up on that pipeline." And TransCanada would say, "Well, you know, we got a lot of oil already here in Alberta and we're not so sure that we want to sign five- or ten-year contracts, we want twenty. Tell you what. We'll get back to you." I heard from oil producers all over western North Dakota and eastern Montana, "We'll get back to you." So, last year we had a meeting out there in Bismarck, didn't we, Harold? We sat down and said, "We've got to do something." I promised them I'd do a little shuttle diplomacy, so back and forth between TransCanada and the oil producers, meetings in Billings, more meetings in Billings; the Governor of North Dakota came over too. TransCanada started coming to the meetings, pretty soon they started thinking maybe it'd be a good idea. Of course, it didn't hurt that we sent a letter to the Public Service Commission in Montana and we said to them, "Well, don't you think that this pipeline ought to be considered a common carrier?" And they dusted off their old law books and they sent a letter back and they said, "Yeah, common carrier." That means Harold can put his oil on that pipeline if he wants. We called TransCanada, wasn't long before they were talking and then last week TransCanada announced that they were going to invest a hundred million dollars to build an onramp in Baker and take 65,000 new barrels of oil from eastern Montana and western North Dakota. Harold, thanks for believing in us. Thanks for sticking it out.

The best path to a higher paying job is a good education. Most states are cutting their funding for education, but our good planning, resilient economy and money in the bank means that we can continue to invest in public education. Members of this legislature, if you choose to cut funding for public education, you do so as a reflection of your values, because we have the money in the bank.

When John and I were running for Governor, we talked to a lot of people, a lot of businesses and they said what we really need to do is reform our higher education system, because of all these new jobs that are coming to Montana. We need to have a system that trains and retrains adults and young people for these emerging jobs. John, remember? We traveled around the state. Well, I'd actually go out to eastern Montana, John kind of handled Billings, and that's what we heard, we went to Plentywood, Scobey. One time, though, after we were elected, I started getting some new information from Linda McCulloch. Then she ganged up with Carol Williams and they came in and they said, "Brian, we understand that you want to invest in higher education and these two-year programs, but don't you know that if you have another penny you ought to invest it earlier?" And then they introduced me to a fellow who'd won a Nobel Prize in economics and he told me if you invest earlier, you'll have better students when they're in eighth grade. And then I met some principals from all around the world who said the same thing, some university presidents who told me the same thing. You know I'm half German, so it took me a while, but I started listening, and these two gals, they were biting on me like dang bulldogs. And then I started noticing and I found that if we started early enough, if we start when a child is five years old, it won't matter whether their parents both are doctors or lawyers and live at the country club or whether their parents didn't even graduate from high school, like mine. If we start early enough, every child can soar to their God-given capabilities and their destiny won't be decided by how much money and how much capability and how much early education their parents can give them at home before they start school. And so, when this Legislative body decided to fund full-day kindergarten for five days for every child in

Montana you started to change the world.

When you saw these children come here today, they're very special in my heart. They're third graders. They are the first graduates of Montana's full-time kindergarten and they represent the future. I want to recognize Erica Henshall, their third grade teacher, but I want to embrace Martin Coole who was their kindergarten teacher because there is a special place in heaven for those who teach in kindergarten.

I have some bad news for you. Politicians don't change the world; innovators, ideas, scientists, and engineers change the world. Montana must invest our income today from coal, oil and gas and the energy technologies of the future. We will develop Montana's energy on Montana's terms, not as a colony for our energy hungry country. Montana can lead in breaking our addiction to foreign oil, with our coal and oil and wind and gas and hydroelectricity. Let's build an energy system that's cleaner and greener, that's designed in Montana, by Montana engineers and built by Montana labor. Engineers and skilled labor that are trained at Montana's universities and through our apprenticeship programs.

My proposed budget provides enough money to cap tuition for every college student in Montana going to a Montana college or university for the next two years. Don't force the burden of a tuition increase on Montana families. A tuition increase is a tax increase. Don't increase taxes on Montana families today. Our university system is the incubator of innovation. Innovators trained in Montana will create the jobs of tomorrow in Montana. Now we have two very special guests. First, I want to recognize the head Grizzly from the University of Montana, Royce Engstrom. Stand up, Royce. All right, you Grizzlies, now for the main event, the President of Montana State University, go Bobcats, Waded Cruzado. Oh, I see all of these Justices, University of Montana Law School, not so much on the Bobcat business.

Montana, we must face our challenges and one of our greatest challenges is the cost of healthcare. The Patient Protection Affordable Care act will double the size of the Montana Medicaid program and double its cost. We must do in Montana what Washington, D.C. won't or can't. We must challenge every expense in healthcare. Stop redundant testing, fewer procedures at lower costs, best management practices to decrease the number of surgeries, more efficient electronic medical records and Montana, it's time that we buy world-class medicine at a world price. That's why we've asked for a waiver from Washington, D.C., because, you see, through the Medicaid program we have a rebate system through these pharmaceutical companies. The pharmaceutical companies don't want you, the consumers, to know that they have a rebate program with the State of Montana and other states across the country where we as Medicaid patients are buying our medicine for about 25 percent of what you pay for it, or what Medicare pays for it, or what the Veterans Administration pays for it, or even your insurance company pays for it. We've asked the folks in Washington, D.C. to allow every Montanan to buy their prescription drugs through our Medicaid program saving the State of Montana $50 million, saving the federal government $150,000 and saving all the rest of you about a $175 million. We think that is smart health care and we think that is Montana health care. I hope you'll support us.

We live in Montana, because we enjoy the outdoors. Our families are drawn closer when we're on the landscape of the Big Sky. We cherish our rights to access public lands. I want to thank Speaker Milburn and Senator Kendall Van Dyk, because they were the two that drew Montana together, who built a coalition around stream access so every family in Montana can enjoy our constitutional rights for accessing streams. Thank you for bringing Montana together.

And I want to recognize Ed Smith. Stand up Ed. He has been elected to this position as Clerk of the Supreme Court for 51 years, or so.

I'm proud of the land purchases made under my administration. More fishing, hunting, camping, hiking, and outdoor recreation for Montana families. It's about families, mothers, fathers, kids and grandparents, fishing, camping, and hiking together.

President Teddy Roosevelt had it right. He said, "The nation behaves well when it treats its natural resources as assets, which must be turned over to the next generation increased and not impaired in value. Conservation means development as much as it means protection."

We will be judged in this body by what we accomplish, not for the speeches delivered, the frayed nerves, the meetings, late nights, early mornings.

Ernest Hemingway said, "Never mistake motion for action."

Now, in honor of my grandfather, Mike McKernan, from County Tyrone, and my grandmother, Hannah Freel from County Donegal, I'd like to leave you with an Irish blessing.

"May you have the hindsight to know where you came from, may you have the foresight to know where you're going and may you have the insight to know when you're going too far."

God bless Montana's families, God bless Montana, and God bless America. Thank you and good evening.

Following the State of the State address by Governor Schweitzer, President Peterson called upon Monseigneur O'Neill to give the benediction.

Senator Essmann moved that the joint session of the 62nd Legislature be adjourned. Motion carried.

MARILYN MILLER
Secretary of the Senate

JIM PETERSON
President of the Senate

SENATE JOURNAL
62ND LEGISLATURE
TWENTY-FIRST LEGISLATIVE DAY

Helena, Montana — Senate Chambers
January 27, 2011 — State Capitol

Senate convened at 1:00 p.m. President Peterson presiding. Invocation by Chaplain Keith Johnson. Pledge of Allegiance to the Flag. Roll Call. All members present. Quorum present.

BILLS AND JOURNALS: 1/27/2011

Correctly printed: **SB 106**, **SB 125**, **SB 143**, **SB 156**, **SB 176**, **SJR 7**.
Correctly engrossed: **SB 90**, **SB 92**, **SB 109**, **SB 126**, **SB 135**, **SB 136**, **SB 140**, **SB 160**.

REPORTS OF STANDING COMMITTEES

EDUCATION AND CULTURAL RESOURCES (Zinke, Chairman): 1/26/2011
SB 3, introduced bill, be amended as follows:

1. Page 2, line 1.
Strike: "convene" through "receive"
Insert: "accept"

2. Page 2, line 3.
Strike: "to"

3. Page 2, line 4 through line 5.
Strike: "The" on line 4 through "meeting." on line 5

4. Page 3, line 8 through line 9.
Strike: "compile" on line 8 through "information" on line 9
Insert: "report the information gathered pursuant to 22-3-422(6)"
Following: "by the" on line 9
Insert: "historic"

5. Page 3, line 27.
Strike: "report at each meeting of"
Insert: "pursuant to 22-3-422(6), provide to"
Strike: "convened pursuant to 22-3-422(6)"

6. Page 3, line 28.
Following: "information"
Insert: "on or before September 1 of each year preceding the convening of a regular session of the legislature"

And, as amended, do pass. Report adopted.

LOCAL GOVERNMENT (Sonju, Chairman): 1/26/2011
SB 146, introduced bill, be amended as follows:

1. Page 2, line 27.
Following: line 27
Insert: "(3) This section does not apply to any easement granted pursuant to Title 77."

And, as amended, do pass. Report adopted.

NATURAL RESOURCES (Barrett, Chairman): 1/26/2011
SB 35, do pass. Report adopted.
SJR 6, introduced joint resolution, be amended as follows:

1. Page 2, line 9.
Following: "management"
Insert: "; and
WHEREAS, Department of the Interior Secretary Ken Salazar issued Secretarial Order No. 3310 in December 2010 affirming that protecting wilderness characteristics on public lands is a high priority for the Bureau of Land Management, requiring the Bureau to maintain wilderness resource inventories on a regular and continual basis, and withholding use permits until land use planning and project level decisions are made to protect wilderness characteristics into perpetuity, which essentially creates more wilderness without the consent of Congress"

2. Page 2, line 26.
Strike: "and"

3. Page 2, line 27.
Following: "Congress"
Insert: "should"

4. Page 2, line 29.
Following: "monuments"
Insert: "; and
(3) the United States Congress should nullify Secretarial Order No. 3310"

And, as amended, do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 1/26/2011

HB 21, introduced by Dick Barrett
HB 62, introduced by MacLaren
HB 69, introduced by Menahan
HB 84, introduced by Boland

HB 111, introduced by Stahl
HB 132, introduced by Hoven
HB 269, introduced by Lavin

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 229, introduced by Sonju, Augare, Salomon, referred to State Administration.
SB 230, introduced by Facey, Erickson, referred to Fish and Game.
SB 231, introduced by Hamlett, referred to Finance and Claims.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Essmann moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Ripley in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 103 - Senator Jackson moved **SB 103** do pass. Motion carried as follows:

Yeas: Arthun, Balyeat, Barrett, Branae, Brenden, Brown, Buttrey, Essmann, Hamlett, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 30

Nays: Augare, Blewett, Caferro, Erickson, Facey, Gallus, Gillan, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 104 - Senator Priest moved **SB 104** do pass. Motion carried as follows:

Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 165 - Senator Balyeat moved **SB 165** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Brenden, Brown, Buttrey, Caferro, Essmann, Gallus, Gillan, Hamlett, Hinkle, Hutton, Jackson, Jones, Keane, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wittich, Zinke, Mr. President.
Total 37

Nays: Blewett, Branae, Erickson, Facey, Hawks, Jent, Kaufmann, Larsen, Moss, Tropila, Wanzenried, Williams, Windy Boy.
Total 13

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 203 - Senator Zinke moved **SB 203** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Wittich, Zinke, Mr. President.
Total 48

Nays: Caferro, Windy Boy.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Essmann moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Peterson in the chair. Chairman Ripley moved the Committee of the Whole report be adopted.
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Gallus, Hamlett, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 31

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gillan, Hawks, Jent, Kaufmann, Keane, Larsen, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 19

Absent or not voting: None.
Total 0

Excused: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 106 passed as follows:

Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 125 passed as follows:

Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Caferro, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 29

Nays: Augare, Blewett, Branae, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJR 7 adopted as follows:

Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Gallus, Hamlett, Hinkle, Hutton, Jackson, Jones, Keane, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Vuckovich, Walker, Wittich, Zinke, Mr. President.
Total 32

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gillan, Hawks, Jent, Kaufmann, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried, Williams, Windy Boy.
Total 18

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SPECIAL ORDERS OF THE DAY

Mr. President, I move that the following undersigned name be **ADDED** as sponsor to **SB 212**, Motion carried.

SB 212 (Ripley, Chief Sponsor)
Senator Arthun, Debby Barrett, Brown, Moore.

Mr. President, I move that the following undersigned names be **ADDED** as sponsors to **SB 207,** Motion carried.

SB 207 (Moore, Chief Sponsor)
Senators Arthun, Debby Barrett, Brown, and Steinbeisser.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

President Peterson announced that U.S. Senator Max Baucus would be addressing a joint session of the House and Senate on January 28, 2011.

Majority Leader Essmann moved that the Senate adjourn until 1:00 p.m., Friday, January 28, 2011. Motion carried.

Senate adjourned at 2:07 p.m.

MARILYN MILLER
Secretary of the Senate

JIM PETERSON
President of the Senate

SENATE JOURNAL
62ND LEGISLATURE
TWENTY-SECOND LEGISLATIVE DAY

Helena, Montana — Senate Chambers
January 28, 2011 — State Capitol

Senate convened at 1:00 p.m. President Peterson presiding. Invocation by Chaplain Keith Johnson. Pledge of Allegiance to the Flag. Roll Call. All members present. Quorum present.

BILLS AND JOURNALS: 1/28/2011

Correctly printed: **SB 35**, **SB 103**, **SB 104**, **SB 165**, **SB 203**.
Correctly engrossed: **SB 3**, **SB 146**, **SJR 6**.

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Balyeat, Chairman): 1/28/2011
SB 29, introduced bill, be amended as follows:

1. Title, page 1, line 7.
Strike: "AN APPLICABILITY DATE"
Insert: "THAT THE DEPARTMENT OF REVENUE HAS SOLE JURISDICTION FOR THE TRAINING PROGRAM"

2. Page 1, line 11.
Strike: "8"
Insert: "9"

3. Page 1, line 14.
Strike: "8"
Insert: "9"

4. Page 1, line 15.
Following: "licensed to"
Strike: "serve or"
Following: "sell"
Insert: "or serve"
Following: "ensure that"
Insert: "all licensees and their"
Strike: "and their supervisors"
Insert: "that sell or serve alcoholic beverages"

5. Page 1, line 19.
Strike: "8"
Insert: "9"

6. Page 1, line 28.
Strike: "**and post signs**"

7. Page 1, line 23 through line 26.
Strike: section 4 in its entirety
Insert: "NEW SECTION. **Section 4. Notification -- violation -- penalty.** (1) A licensee shall certify annually on its license renewal form that the licensee is in compliance with the provisions of [sections 1 through 9].

(2) A license renewal form that falsely includes information that the licensee and all employees have been trained pursuant to [sections 1 through 9] is a violation of this code.

(3) If, after an investigation under 16-4-406, a licensee is determined to have violated subsection (2), the licensee must be assessed an administrative penalty under 16-4-406 or the penalty for false swearing under 45-7-202."

8. Page 2, line 2.
Strike: "5"
Insert: "3"

9. Page 2, line 4 through line 6.
Strike: "; and" on line 4 through "intoxicated" on line 6

10. Page 2, line 8.
Following: "**program.**"
Insert: "(1)"

11. Page 2, line 9.
Strike: "establish"
Insert: "certify all server and sales training programs that include the following:

(a) effects of alcohol on the human body;

(b) information, including criminal, civil, and administrative penalties, related to 27-1-710 and this code;

(c) procedures for checking identification;

(d) procedures for gathering proper documentation that may affect the licensee's liability;

(e) training for skills to handle difficult situations and to learn evaluation techniques regarding intoxicated persons or others that pose potential liability;

(f) a final test; and

(g) a certificate of completion, which must be provided to participants who pass the final test.

(2) The department may have"

12. Page 2, line 9 through line 10.
Strike: "consisting of" on line 9 through "through 8]" on line 10
Insert: "if the program meets the standards set forth in subsection (1)"

13. Page 2.
Following: line 11
Insert: "NEW SECTION. **Section 7. Jurisdiction.** The implementation and enforcement of any mandatory server and sales training programs in this state is under the exclusive authority and jurisdiction of the department."
Renumber: subsequent sections

14. Page 2, line 12.
Strike: "during"
Insert: "as a result of"
Following: "with"
Insert: "16-3-301,"

15. Page 2, line 13.
Following: "16-6-304"
Insert: ","
Strike: "$50"
Insert: "$200"

16. Page 2, line 13 through line 15.
Following: "section 5" on line 13
Strike: "(1) or (2)"
Strike: "for each" on line 13 through "[section 5(1)]" on line 15

17. Page 2, line 16.
Strike: "8"
Insert: "9"

18. Page 2, line 19.
Strike: "8"
Insert: "9"

19. Page 2, line 25.
Strike: "8"
Insert: "9"

20. Page 2, line 27.
Strike: "8"
Insert: "9"

21. Page 2, line 29 through line 30.
Strike: section 11 in its entirety

And, as amended, do pass. Report adopted.

SB 201, do pass. Report adopted.
SB 221, do pass. Report adopted.

FISH AND GAME (Brenden, Chairman): 1/27/2011
SB 43, introduced bill, be amended as follows:

1. Page 1, line 18.
Following: line 17
Insert: "(2) Big Pine management area;
(3) Lost Creek state park;
(4) Painted Rocks state park;
(5) Ackley Lake state park;
(6) Sluice Boxes state park;
(7) Headwaters state park;"
Renumber: subsequent subsections

2. Page 2, line 6 and 7.
Following: "~~necessary~~"
Insert: "necessary"
Strike: "necessary on line 6 through "for" on line 7
Insert: "required to meet minimum public health standards regarding"

3. Page 2, line 7.
Strike: "and visitor safety and to minimize impacts to adjacent landowners"
Following: "~~necessary~~"
Insert: "necessary"

4. Page 2, line 9.
Strike: "construction of"
Insert: "improvements necessary to ensure the"
Following: "~~use of existing~~"
Insert: "use of existing"

5. Page 2, line 14.
Following: "pads"
Insert: ", which may include a septic vault designed to serve only a camp host pad"
Strike: "and"
Following: line 14
Insert: "(f) any measures required for land management, including forestry; and"
Renumber: subsequent subsection

6. Page 2, line 16.
Following: "~~has been limited and~~"
Insert: "indicating that the park is a designated primitive park in which development has been limited and"

7. Page 2, line 19 through line 20.
Strike: "or" on line 19 through "(1)(e)" on line 20

8. Page 2, line 22.
Strike: "unnecessary"

9. Page 3, line 3.
Following: "~~Headwaters state park~~"
Insert: ", except that the department may charge camping fees at Headwaters state park"

And, as amended, do pass. Report adopted.

SB 133, introduced bill, be amended as follows:

1. Page 3, line 6.
Following: "(13)"
Insert: "(a)"

2. Page 3, line 10.
Strike: "(a)"
Insert: "(i)"

3. Page 3, line 11.
Strike: "(b)"
Insert: "(ii)"

4. Page 3, line 12.
Following: "privacy."
Insert: "(b) This subsection (13) does not restrict the use of information for enforcement of the provisions of Titles 15, 23, 45, and 87."

And, as amended, do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 1/27/2011

HB 37, introduced by McChesney
HB 52, introduced by Ankney
HB 76, introduced by Mehlhoff
HB 103, introduced by Fitzpatrick
HB 120, introduced by McGillvray

MOTIONS

Senator Brenden moved **SB 84** be moved from the Fish and Game committee to the Finance and Claims committee. Motion carried as follows:

Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

FIRST READING AND COMMITMENT OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 22, introduced by Klock (by request of the Energy and Telecommunications Interim Committee), referred to Energy and Telecommunications.
HB 38, introduced by Boland (by request of the Department of Administration), referred to Finance and Claims.
HB 39, introduced by Hollenbaugh (by request of the Department of Military Affairs), referred to Local Government.
HB 41, introduced by Stahl (by request of the Department of Administration), referred to Local Government.
HB 60, introduced by MacLaren (by request of the Public Service Commission), referred to Highways and Transportation.
HB 65, introduced by Menahan (by request of the Supreme Court), referred to Judiciary.
HB 74, introduced by Schmidt (by request of the Department of Public Health and Human Services), referred to Public Health, Welfare and Safety.
HB 96, introduced by Menahan (by request of the Public Defender Commission), referred to Judiciary.
HB 97, introduced by Menahan (by request of the Public Defender Commission), referred to Judiciary.
HB 114, introduced by O'Hara (by request of the Department of Justice), referred to Judiciary.

The following Senate bills were introduced, read first time, and referred to committees:

SB 232, introduced by Keane, Zinke, referred to Business, Labor, and Economic Affairs.
SB 233, introduced by Keane, Vuckovich, Olson, Klock, Hiner, McChesney, Tutvedt, Ankney, Windy Boy, Hamlett, referred to Natural Resources.
SB 234, introduced by Sonju, Vance, Hale, Steinbeisser, Gallus, Keane, referred to Local Government.
SB 235, introduced by Sonju, referred to Highways and Transportation.
SB 236, introduced by Buttrey, Steinbeisser, Wagner, Zinke, Lewis, Hale, Blasdel, referred to Local Government.
SB 237, introduced by Arthun, Wagner, Zinke, Clark, Murphy, Kerns, Debby Barrett, Hutton, Salomon, Harris, Brown, Steinbeisser, Brenden, Jones, referred to Agriculture, Livestock and Irrigation.
SB 238, introduced by Blewett, referred to Judiciary.
SB 239, introduced by Wittich, referred to Natural Resources.
SB 240, introduced by Moss, Hawks, referred to Local Government.

The following Senate joint resolution was introduced, read first time, and referred to committee:

SJR 10, introduced by Priest, Hinkle, Burnett, Hutton, Murphy, Jackson, Lewis, Buttrey, Wittich, Debby Barrett, Mowbray, Roberts, referred to Natural Resources.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 103 passed as follows:

Yeas: Arthun, Balyeat, Barrett, Branae, Brenden, Brown, Buttrey, Erickson, Essmann, Facey, Gallus, Hamlett, Hinkle, Hutton, Jackson, Jones, Keane, Lake, Larsen, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Williams, Wittich, Zinke, Mr. President.
Total 36

Nays: Augare, Blewett, Caferro, Gillan, Hawks, Jent, Kaufmann, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 14

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 104 passed as follows:

Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 165 passed as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Gallus, Gillan, Hamlett, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tutvedt, Vincent, Vuckovich, Walker, Wanzenried, Williams, Wittich, Zinke, Mr. President.
Total 42

Nays: Blewett, Branae, Facey, Hawks, Larsen, Tropila, Van Dyk, Windy Boy.
Total 8

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 203 passed as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Wittich, Zinke, Mr. President.
Total 49

Nays: Windy Boy.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

REPORTS OF STANDING COMMITTEES

COMMITTEE ON COMMITTEES (Brenden, Chairman): 1/28/2011

We, your Committee on Committees, recommend the following committee appointments:

Business, Labor, and Economic Affairs

Add: Mowbray, Carmine
Remove: Tropila, Mitch; Essmann, Jeff

Highways and Transportation

Amend: Mowbray, Carmine

Judiciary

Amend: Murphy, Terry (Chairman)
Shockley, Jim (Vice Chairman)

Public Health, Welfare, and Safety

Add: Priest, Jason (Chairman)
Murphy, Terry (Vice Chairman)

State Administration

Add: Mowbray, Carmine

Report adopted.

SPECIAL ORDERS OF THE DAY

Mr. President, I move that the following undersigned names be **ADDED** as sponsors to **SB 82:**

SB 82 (Hamlett Chief Sponsor)
Senator Blewett, Gillan, Zinke, Lavin, F. Smith.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Essmann moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Gallus in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 9 - Senator Keane moved **SB 9** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 90 - Senator Essmann moved consideration of **SB 90** be passed for the day. Without objection, so ordered.

SB 92 - Senator Jent moved **SB 92** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 48

Nays: Jackson, Sonju.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 136 - Senator Balyeat moved **SB 136** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: Erickson.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 142 - Senator Barrett moved **SB 142** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jones, Keane, Lake, Larsen, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Wittich, Zinke, Mr. President.
Total 43

Nays: Caferro, Erickson, Jent, Kaufmann, Moss, Tropila, Windy Boy.
Total 7

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Essmann moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Peterson in the chair. Chairman Gallus moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Wittich, Zinke, Mr. President.
Total 49

Nays: Windy Boy.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SPECIAL ORDERS OF THE DAY

Senator Brown thanked the pages for their work during the week of January 24-28, 2011.

MOTIONS

Senator Essmann moved that the Senate recess and proceed to the House of Representatives for U.S. Senator Max Baucus's address. Upon adjournment of the Joint Session, the Senate will be adjourned until the hour of 1:00 p.m., Monday, January 31, 2011. Without objection, so ordered.

After the Senate was introduced in the House Chambers, President Peterson assumed the chair.

Senator Essmann moved that the House resolve itself into a Joint Session for the purpose of receiving the address from the U.S. Senator Max Baucus. Motion carried.

Senator Essmann moved that President Peterson be authorized to appoint a committee of four to notify Senator Baucus that we are in Joint Session and ready to receive his address. Motion carried.

President Peterson appointed Senator Tutvedt, Senator Gillan, Representative Burnett and Representative Sands, and the committee escorted Senator Baucus into the chambers, and the Senator gave the following speech:

Good afternoon, Mr. Speaker, Mr. President, Members of the House and Senate, those of you joining us in the gallery, distinguished guests:

It's good to be back here with you all. I have fond memories of this chamber and of the work we accomplished. I always like to see who's sitting in my old desk. Today, it's Matt Rosendale from Glendive.

Matt, congratulations on your victory, welcome to the Montana Legislature, and thank you for your service.

There are a lot of new names and faces around here, and I want to congratulate you all.

I'm glad to hear that the Representative James Knox is healing up and doing better. I want to wish him a speedy recovery.

I want to say a special hello to Carol Williams, who was the first woman elected as Senate Majority Leader in this state's history. And I'd like to tip my hat to Senator Kim Gillan, Senate Minority Whip. Carol and Kim, I know you are serving your last terms in the Senate and I want to thank you for your tremendous service and leadership in so many capacities and, of course, for your friendship.

And a special recognition to my mother, who I know is at home thinking of me right now.

Let's also take a moment to remember everyone who has served our great state here in the Legislature and all of our old friends who aren't with us today.

I'd also like to remember our fallen heroes, who lost their lives serving their country.

And please, let's take a moment of silence to recognize an amazing young man, Trooper David DeLaittre of Three Forks, who gave the ultimate sacrifice serving the people of Montana: keeping us all safe. Let's bow our heads.

David was shot and killed in the line of duty during a routine traffic stop.

Just think of it: He was only 23 years old, and for much of his life, his only dream was to be a Montana Highway Patrolman like his father.

Every day that he went to work, he assumed the risk that comes with protecting each of us.

I want to thank you, Senator Wittich, for your bill to create the David DeLaittre Memorial Highway on the four-mile sections of U.S. Highway 287 through Three Forks. There's nothing we can give to David, or to his family, that will come close to what he sacrificed. But David is a hero to all of us, and we'll never forget him.

The next time we see a highway patrolman or a police officer, let's take a few seconds to thank them for what they do. They don't hear it enough.

I want to start today by telling you a story about eight extraordinary Montanans who set an inspiring example. It reminds me how when we join forces we can overcome difficulty and do what's right.

Two years ago, the community of Glasgow united as result of an unthinkable tragedy.

A man fatally shot Melissa Greenhagen, mother of three and part-time emergency medical technician. When Scott Billingsly and his wife Suzanne, a nurse, ran to help her, the gunman shot and wounded both of them!

That night, the Glasgow community rose to the higher cause. The reservation police force, the Sheriffs's office, and the highway patrol all worked together to track down the sniper who fatally shot Melissa and wounded Scott and Suzanne.

And because of their unwavering commitment to keep the folks in their community safe, the President of the United States personally awarded eight of these men and women–known now as the Elite Eight–one of the nation's highest law enforcement honors: Something known as the Top Cops Award. I was at the White House that day, and let me tell you, I was so darned proud.

These people are incredible. They answered the call of duty, without fearing for their own safety. They just did what they needed to do.

We are all public servants who owe the same dedication to the people of Montana. It's our obligation to look each other in the eye, join forces, and do the very best we can to make life better for the people who serve.

We need to talk about our very biggest priority: Jobs! Montanans need our commitment to putting jobs first, everyday, as you work here in the legislature and I work in the Senate.

There's an old saying: "When the guy in Havre's out of work, it's an economic slowdown. When your brother-in-law's out of work, it's a recession. When you're out of work, it's a depression."

It doesn't matter what you call it, we are emerging from the greatest economic decline in 80 years. Companies that have been the backbone of America's economy have cut jobs in record numbers.

But think for a moment about a friend of yours, one of your family members, or a neighbor who lost their job. Think about how hard it must be, knowing you just cashed your last paycheck-with a family at home depending on you.

It's our job to help businesses change that. Montana is strong, and we have so much to be proud of. But we can do even better. We must continue to do all we can to help build a stronger economy. And we need to keep making education a priority–because today's students are tomorrow's innovators and business leaders. Our kids are going to lead us into the future. We want them well prepared.

As often as I can, I spend a day working at a Montana business.

I've had some great days driving trucks, paving roads, building houses–even building guns up in the Flathead. Last week I was in Hamilton serving lunch, making coffee and scrubbing tables at the River Rising bakery and deli. It's so rewarding working alongside Montanans.

We Montanans work hard. Montanans get a job done and we do it right the first time. It's in our nature. It's what we were born and bred to do.

When I go back to Washington, it's those hard-working Montanans who inspire me. I see their faces and I remember their stories. For them, I make a promise to myself every day. I say, "Max, do the best job you can, and remember who you serve."

It's because of them that I work every day to help our small businesses get the tools they need to grow and thrive. Montana's a small business state–and if our small businesses succeed, that means our economy is moving in the right direction. It means more good-paying jobs for hard-working folks.

We passed bills in the Senate to do just that: to cut taxes and help small businesses create jobs. We did that with my Small Business Jobs Act, which is already giving some gas to the engines that will make our economy stronger and more vibrant.

The bill includes $12 billion in tax cuts for small businesses. It helps businesses increase cash flow and get access to loans they need to grow.

Take Brown's Automotive in Billings. Brown's does transmission repairs that require big investments in equipment, like lifts and scanners. When business is slow, buying heavy equipment can put a major strain on cash flow.

Because of the Small Business Jobs Act, Brown's can now write off a portion of their new equipment costs. That helps them maintain their cash flow. It also encourages them to make more investments.

We also passed the HIRE Act, which will create 5.6 million new jobs–many right here in Montana–by cutting payroll taxes for Montana businesses that hire new workers.

We passed the bipartisan tax cut compromise, which kept tax cuts for ALL Montanans and provides estate tax relief that works for Montana ranchers and farmers.

We held our 5th Economic Development Summit in Butte last September. The summit brought business leaders from across the country together with Montana entrepreneurs to create jobs.

Thanks to the summit, a home-grown, Butte family company called Seacast is partnering with GE to build high-tech parts for jet engines at its new Butte facility. That's more Montana jobs.

It's just one example of real results from the Summit. It's also an example of how research and innovation, and the ability to sell to markets worldwide, are key to the future of the American economy.

When Warren Buffett kicked off the summit, he said "I am a huge bull on this country. We will not have a double-dip recession at all. I see our businesses coming back almost across the board."

Warren's a smart guy. And that's the attitude we need when we think about moving Montana forward.

There are great things happening in Montana. Thirteen years ago, right here in Helena, Tom Hoffman, an entrepreneur with nothing but big dreams, started a little company called Summit Aeronautics. Before he sold his business to Boeing this past December, he had 100 employees. Now that's Montana innovation. That's Montana drive. Because Montana can compete.

Now that we're all here today in the same chamber, it's my chance to look all of you in the eye and talk about something that's on all of our minds.

See, I thought I'd take a break. You know, get away from it all. Escape the big health care debate in Washington.

So I came home to spend a little more time with you all.

In all seriousness, I know there are a lot of strong feelings in this room about health care. And I feel pretty strongly that we can work together to improve this bill. To make it fit just right for Montana.

Look at the 1099 reporting provision. Small business owners and folks across the state said it would make their lives harder–and as a result, I introduced an amendment to get rid of that provision. We'll get it fixed, because it's the right thing to do.

We need to give the health care law a chance to work.

Last year the cost of paying for folks without health insurance in Montana totaled $220 million. That means every Montana family with insurance had to pay an additional $2,100 on their premiums to cover the cost. That's money out of Montanans' pockets. That's just unacceptable.

Independent, nonpartisan economists have determined that repealing the health care law would add more than $1 trillion to our debt over the next 20 years and take away $460 billion in tax cuts for middle class folks, families and small businesses.

And the health care law is already helping Montanans.

Twenty-six thousand Montana small businesses already qualify for tax cuts on the tax returns they're filing right now. And the health care law enables folks to find quality health insurance they can actually afford.

Parents can now keep their kids on their health insurance up to age 26, which means a lot for college grads struggling to find work in today's economy. And about 8,000 Montana seniors on Medicare are getting much needed help to cover the cost of expensive prescription drugs.

Insurance companies can no longer deny coverage to children who are sick, and eventually every Montanan will have this same protection. That means peace of mind for more than 426,000 Montanans with pre-existing conditions. That means parents like David Hutchins in Missoula can sleep easier at night.

David's young son Elijah has leukemia and Down syndrome. Before the health care law, he couldn't get coverage under private insurance. Luckily, Elijah qualifies for Medicaid because his dad only works part-time while attending school. But if David's income were to increase, Elijah would lose coverage.

The day this protection kicked in, David said: "By requiring health insurance companies to do the right thing and guarantee coverage for kids like my son, the new health care law has lifted a huge burden from my family."

This law is about lowering costs, improving choice and putting patients back in control. It'll reduce our deficit. It'll make the entire health care system stronger.

Let's rise above the rhetoric, look at the challenges on both sides and imperfections before us, and move forward together.

Look at some of the other challenges we face. Take the North Fork. We returned more than 80 percent of leased acreage up there. And we did it at no cost to taxpayers.

Because this land, it's ours–and it's our job to make sure our children, grandchildren, and their children get to see it, and truly love it the way we do.

We're working to put wolves back under Montana's control, because Montanans–not Washington bureaucrats–know best how to manage wolves. We need to come up with a solution that works for us.

I'm working to pass a program called the Freedom Fuels Act, which will use Montana-grown camelina and Montana coal to help us become less dependent on foreign oil and create jobs in our state.

So many of the commodities that people all over the world use come from Montana. Coal, oil and gas. And it isn't just energy.

Our Ag community really drives this economy. Our wheat, our livestock. Our hard-working farmers and ranchers.

This spring I'm going to hold listening sessions around the state to gather ideas as we write the next Farm Bill. As the only member of Montana's delegation on an Ag Committee, I'm going to make sure our producers get a fair shake.

We truly have it all here.

The Montana wind blowing across the plains, which was once a scourge to our ancestors, now holds great potential for our future.

That's why I made sure the tax cuts we passed last year included a provision to provide renewable energy companies with money up-front to cover 30 percent of the costs of renewable power facilities, like wind farms and solar projects.

We have wind, we have the potential–now we need the infrastructure to export it. Last October I went to Shelby to celebrate the construction of the MATL transmission line. This line will be the first to connect electricity from Montana into Alberta and beyond. It's a new chapter in creating good-paying jobs and securing our energy future.

The next time the wind in Great Falls, Judith Gap or Livingston nearly blows us over, maybe we'll smile, knowing Montana ingenuity has transformed a nuisance into a life-giving resource.

We have an abundance of another very different, very unique asset. Our service members and veterans are, and have always been, bright stars in this state. One in ten Montanans is a vet.

Just think about that. We have over 100,000 vets in Montana. I'm so proud of these men and women, and I will never, ever stop working in their best interest.

I put together something called the VETs Jobs Act, which will help more of our vets get good-paying jobs when they come home from serving abroad. I know we can agree that taking care of these men and women who have sacrificed for our country isn't just the right thing to do; it's the only thing to do.

There's a lot more work to get done. And we're just getting started. But we can't do it all alone.

We live up to the example of our veterans when we act civilly toward each other. I've been in Washington long enough to know the environment hasn't been this toxic in a generation. I'm not talking about disagreeing about policy, or even politics.

Unless you've been lucky enough to avoid cable TV for the last few years, you know what I'm talking about. Name-calling, cheap shots, personal attacks. On both ends of the spectrum we don't do that in Montana. We just don't wear it well. It's not our style.

Senate President Jim Peterson's got it right. It makes more sense, and it's just plain simpler, to live by the code of the West.

Because in Montana, we may disagree here in this Chamber during the day, but in the evening we still sit down together and laugh about it over a beer...Just don't tell the Governor.

I've seen both parties control the U.S. Senate plenty of times. And here's what I've learned: not a lick of work gets done until we decide to work together, regardless of who's in charge.

A lot of folks have made this point over the years and they're right.

Helen Keller once said: "Alone we can do little; together we can do so much."

And my mentor and friend Mike Mansfield said:

"We'll have to set examples for those who will follow us, and recognize that we don't know it all. So we should listen to the other person. And that other person sometimes is right, sometimes we are wrong. It will be a matter of accommodation and compromise, knowledge and understanding."

These were Mike's words of advice in November 1989, to a group of wide-eyed young people as they looked ahead to bright futures, wondering who they'd become and how they would change the world.

But his words couldn't be more true to all of us here today–grown men and women charged with a momentous task. For us, it is not an option to simply look ahead to a bright future for Montana–we must create it. We will build it, and we will do it together.

It won't be easy, but in Montana, "can't" isn't in our vocabulary.

It has been a great honor to speak to you today. It's also a great honor to speak in the shadow of Charlie Russell's largest painting, which will be celebrating its 100th birthday next year.

I'd like to leave you some of C.M. Russell's words that never fail to remind me how blessed we are to be Montanan. He said:

"Guard, protect and cherish your land, for there is no afterlife for a place that started out as heaven."

As we look forward, I remind you that in your hands, more than in mine, rests the future of our state. Be wise. Be prudent. Serve those who have entrusted you. We are so lucky! Together, we can make Montana an even better place than it is today.

Thank you.

Senator Essmann moved that the joint session of the 62nd Legislature be adjourned. Motion carried.

MARILYN MILLER
Secretary of the Senate

JIM PETERSON
President of the Senate

SENATE JOURNAL
62ND LEGISLATURE
TWENTY-FOURTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
January 31, 2011 — State Capitol

Senate convened at 1:00 p.m. President Peterson presiding. Invocation by Chaplain Keith Johnson. Pledge of Allegiance to the Flag. Roll Call. All members present, except Senators Jent, Van Dyk, excused. Quorum present.

BILLS AND JOURNALS: 1/31/2011

Correctly printed: **SB 9**, **SB 92**, **SB 136**, **SB 142**, **SB 201**, **SB 221**, **SJR 10**.
Correctly engrossed: **SB 29**, **SB 43**, **SB 133**.

Senator Jent present.

LEGISLATIVE ADMINISTRATION (Brown, Chairman): 1/31/2011
MR. PRESIDENT:
We, your committee on Legislative Administration recommend that employment of the following attaches of the Senate be terminated as of 5:00 p.m., Friday, January 28, 2011:

TITLE	NAME
Pages:	Alyson O'Brien, Shelby
	Emily Boyce, Havre
	Joshua Green, Billings
	Lauren Scofield, Havre
	Anthony Stock, Belgrade

and recommend that the following attaches of the Senate be employed as of 8:00 a.m., Monday, January 31, 2011:

TITLE	NAME
Pages:	Lee Barbisan, Bozeman
	Cheyenne Cole, Dixon
	Becca Harper, Helena
	Sarah Rice, Miles City

Report Adopted.

REPORTS OF STANDING COMMITTEES

JUDICIARY (Murphy, Chairman): 1/27/2011
SR 2, do pass. Report adopted.

LOCAL GOVERNMENT (Sonju, Chairman): 1/28/2011
SB 173, introduced bill, be amended as follows:

1. Title, line 4.
Strike: "NORMAL OPERATIONS OF"
Insert: "NOISES RESULTING FROM SHOOTING ACTIVITIES AT"

2. Page 1, lines 15 and 16.
Strike: "<u>, including</u>" on line 15 through "<u>76-9-105,</u>" on line 16

3. Page 1.
Following: line 23
Insert: "(4) Noises resulting from the shooting activities at a shooting range during established hours of operation are not considered a public or private nuisance."

And, as amended, do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 1/29/2011

HB 101, introduced by MacDonald
HB 169, introduced by Klock
HB 172, introduced by Washburn
HB 178, introduced by Howard
HB 225, introduced by Welborn

House bills passed and transmitted to the Senate for concurrence: 1/28/2011

HB 107, introduced by Hollenbaugh
HB 182, introduced by Arntzen
HB 187, introduced by Connell
HB 208, introduced by Welborn
HB 210, introduced by McChesney
HB 229, introduced by McNutt
HB 233, introduced by O'Hara
HB 259, introduced by Loney

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 241, introduced by Priest, referred to Public Health, Welfare and Safety.
SB 242, introduced by Brenden, Jones, Ripley, Debby Barrett, Tutvedt, Steinbeisser, J. Peterson, Murphy, Brown, referred to Business, Labor, and Economic Affairs.

SB 243, introduced by Zinke, referred to Business, Labor, and Economic Affairs.
SB 244, introduced by Lake, referred to Education and Cultural Resources.
SB 245, introduced by Buttrey, referred to Taxation.
SB 246, introduced by Olson, referred to Energy and Telecommunications.
SB 247, introduced by Moss, referred to State Administration.
SB 248, introduced by Gillan, referred to Local Government.
SB 249, introduced by Kaufmann, referred to Public Health, Welfare and Safety.
SB 250, introduced by Kaufmann, referred to Business, Labor, and Economic Affairs.
SB 251, introduced by Kaufmann, Essmann, referred to Highways and Transportation.
SB 252, introduced by Erickson, referred to Taxation.
SB 253, introduced by Lake, referred to Taxation.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Essmann moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Arthun in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 160 - Senator Vincent moved **SB 160** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Larsen, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 47

Nays: Kaufmann, Moss.
Total 2

Absent or not voting: None.
Total 0

Excused: Van Dyk.
Total 1

SB 166 - Senator Balyeat moved **SB 166** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Vincent, Vuckovich,

Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Van Dyk.
Total 1

SB 105 - Senator Priest moved **SB 105** do pass. Motion carried as follows:

Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Mr. President.
Total 27

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke.
Total 22

Absent or not voting: None.
Total 0

Excused: Van Dyk.
Total 1

SB 126 - Senator Larsen moved **SB 126** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brenden, Brown, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jent, Jones, Kaufmann, Keane, Larsen, Moore, Moss, Murphy, Olson, Ripley, Steinbeisser, Stewart-Peregoy, Tropila, Vuckovich, Wanzenried, Williams, Windy Boy, Mr. President.
Total 33

Nays: Balyeat, Buttrey, Essmann, Hinkle, Jackson, Lake, Lewis, Mowbray, Priest, Shockley, Sonju, Tutvedt, Vincent, Walker, Wittich, Zinke.
Total 16

Absent or not voting: None.
Total 0

Excused: Van Dyk.
Total 1

SB 135 - Senator Balyeat moved **SB 135** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Wanzenried, Windy Boy, Wittich, Zinke, Mr. President.
Total 47

Nays: Larsen, Williams.
Total 2

Absent or not voting: None.
Total 0

Excused: Van Dyk.
Total 1

SB 140 - Senator Erickson moved **SB 140** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 46

Nays: Balyeat, Essmann, Hinkle.
Total 3

Absent or not voting: None.
Total 0

Excused: Van Dyk.
Total 1

SB 143 - Senator Barrett moved **SB 143** do pass.

SB 143 - Senator Hawks moved **SB 143**, second reading copy, be amended as follows:

1. Page 1, line 20.
Strike: "preemptive"
Insert: "proactive"

Amendment adopted as follows:

Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brown, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Larsen, Lewis, Moss, Mowbray, Murphy, Shockley, Stewart-Peregoy, Tropila, Tutvedt, Vuckovich, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 35

Nays: Balyeat, Brenden, Buttrey, Essmann, Hinkle, Lake, Moore, Olson, Priest, Ripley, Sonju, Steinbeisser, Vincent, Walker.
Total 14

Absent or not voting: None.
Total 0

Excused: Van Dyk.
Total 1

SB 143 - Senator Debby Barrett moved **SB 143**, as amended, do pass. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Wanzenried, Wittich, Zinke, Mr. President.
Total 44

Nays: Caferro, Erickson, Kaufmann, Williams, Windy Boy.
Total 5

Absent or not voting: None.
Total 0

Excused: Van Dyk.
Total 1

Senator Essmann moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Peterson in the chair. Chairman Arthun moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Wanzenried, Williams, Wittich, Zinke, Mr. President.
Total 46

Nays: Erickson, Kaufmann, Windy Boy.
Total 3

Absent or not voting: None.
Total 0

Excused: Van Dyk.
Total 1

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 9 passed as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Van Dyk.
Total 1

SB 92 passed as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 48

Nays: Sonju.
Total 1

Absent or not voting: None.
Total 0

Excused: Van Dyk.
Total 1

SB 136 passed as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Van Dyk.
Total 1

SB 142 passed as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jones, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Wanzenried, Wittich, Zinke, Mr. President.
Total 44

Nays: Erickson, Jent, Kaufmann, Van Dyk, Williams, Windy Boy.
Total 6

Paired: Brown, Aye; Van Dyk, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

UNFINISHED BUSINESS

Senator Williams raised a point of personal privilege regarding a past debate where facts were presented on the Senate floor that were incorrect. Senator Williams urged members on both sides of the aisle to be cautious when presenting facts.

SPECIAL ORDERS OF THE DAY

Senator Brown introduced the pages for the week of January 31-February 5, 2011.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Essmann moved that the Senate adjourn until 1:00 p.m., Tuesday, February 1, 2011. Motion carried.

Senate adjourned at 2:24 p.m.

MARILYN MILLER
Secretary of the Senate

JIM PETERSON
President of the Senate

SENATE JOURNAL
62ND LEGISLATURE
TWENTY-FIFTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
February 1, 2011 — State Capitol

Senate convened at 1:00 p.m. President Peterson presiding. Invocation by Chaplain Keith Johnson. Pledge of Allegiance to the Flag. Roll Call. All members present, except Senator Zinke, excused. Quorum present.

BILLS AND JOURNALS: 2/1/2011

Correctly printed: **SB 105**, **SB 126**, **SB 135**, **SB 140**, **SB 160**, **SB 166, SR 2**.
Correctly engrossed: **SB 143**, **SB 173**.

Mr. President: We, your committee on Bills and Journals, having examined the daily journals for the eleventh, twelfth, thirteenth, fourteenth, and fifteenth legislative days, find the same to be correct.

Senator Brown, Chair

REPORTS OF STANDING COMMITTEES

EDUCATION AND CULTURAL RESOURCES (Zinke, Chairman): 1/31/2011
SJR 8, introduced joint resolution, be amended as follows:

1. Page 1, line 15.
Following: "water,"
Strike: "and access to"
Following: "fishing,"
Strike: "open space,"

2. Page 2, line 7.
Following: "on"
Strike: "sustainable land use policy"
Insert: "agricultural and livestock production capabilities"

3. Page 2, line 8.
Strike: "agricultural and livestock production capabilities,"

4. Page 2, line 10.
Strike: "access to hunting, fishing, open space, and"
Following: "recreation"
Insert: "and hunting opportunities"

And, as amended, do pass. Report adopted.

JUDICIARY (Murphy, Chairman): 2/1/2011
SB 149, do pass. Report adopted.
SB 151, do pass. Report adopted.
SB 153, do pass. Report adopted.

LOCAL GOVERNMENT (Sonju, Chairman): 1/31/2011
SB 117, introduced bill, be amended as follows:

1. Title, line 4.
Following: "REQUIRING"
Insert: "CERTAIN"
Following: "GOVERNMENTS"
Strike: ", CERTAIN"
Insert: "AND"

2. Title, line 5.
Strike: ", AND SCHOOL DISTRICTS"

3. Title, line 7.
Following: "BODY"
Strike: ","
Insert: "OR"

4. Title, line 8.
Following: "BOARD"
Strike: ", OR SCHOOL DISTRICT BOARD OF TRUSTEES"

5. Title, line 11.
Strike: "7-1-4124,"
Insert: "AND"
Strike: "AND 20-3-324,"

6. Page 1, line 15 through page 2, line 15.
Strike: section 1 in its entirety
Renumber: subsequent sections

7. Page 2, lines 26 and 27.
Strike: "person" on line 26 through "state" on line 27
Insert: "resident elector of the county"

8. Page 3, line 1 through line 3.
Strike: "written" on line 1 through "coordination" on line 3
Insert: "petition signed by at least 3% of the resident electors of the county demanding a response. The petition must identify the applicable federal plan or policy and the applicable county plan or policy described in subsection (1) and a statement of how the county's failure to

coordinate or comply with the provisions of this section has injured the person"

9. Page 3, line 4.
Strike: "demand for response"
Insert: "petition"

10. Page 3, line 28 through line 29.
Strike: "person" on line 28 through "state" on line 29
Insert: "resident elector of the district"

11. Page 4, line 4 through line 5.
Strike: "written" on line 4 through "coordination" on line 5
Insert: "petition signed by at least 3% of the resident electors of the district demanding a response. The petition must identify the applicable federal plan or policy and the applicable district plan or policy described in subsection (1) and a statement of how the governing body's or district board's failure to coordinate or comply with the provisions of this section has injured the person"

12. Page 4, line 6.
Strike: "demand for response"
Insert: "petition"

13. Page 4, line 20 through page 5, line 19.
Strike: section 4 in its entirety
Renumber: subsequent sections

14. Page 6, line 6.
Strike: "[sections 1 and 2]"
Insert: "[section 1]"

15. Page 6, line 22.
Strike: "2"
Insert: "1"

16. Page 6, line 24 through page 7, line 30.
Strike: section 7 in its entirety
Renumber: subsequent sections

17. Page 9, line 11.
Strike: "3"
Insert: "2"

18. Page 9, line 13 through page 11, line 29.
Strike: section 9 in its entirety
Renumber: subsequent section

19. Page 12, line 1 through line 8.
Strike: section 10 in its entirety
Insert: "NEW SECTION. **Section 6. Codification instruction.** (1) [Section 1] is intended to be codified as an integral part of Title 7, chapter 1, part 21, and the provisions of Title 7, chapter 1, part 21, apply to [section 1].

(2) [Section 2] is intended to be codified as an integral part of Title 7, chapter 11, part 10, and the provisions of Title 7, chapter 11, part 10, apply to [section 2]."

And, as amended, do pass. Report adopted.

SB 180, introduced bill, be amended as follows:

1. Page 1, lines 13 and 14.
Strike: "over" on line 13 through "$1,000" on line 14
Insert: "or permits any person to do so"

And, as amended, do pass. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Priest, Chairman): 2/1/2011
SB 132, introduced bill, be amended as follows:

1. Page 3, line 19.
Following: "16"
Insert: ", except for the provisions of 37-16-304"

2. Page 3, line 29.
Following: "15"
Insert: ", except that the provisions of 37-16-304 apply to licensed audiologists"

And, as amended, do pass. Report adopted.

SB 189, do pass. Report adopted.

TAXATION (Tutvedt, Chairman): 2/1/2011
SB 172, introduced bill, be amended as follows:

1. Page 6, lines 25.
Strike: "superconducting magnetic energy storage property,"

2. Page 6, line 26 through line 27.
Strike: " and other energy storage property," on line 26
Following: "combination of energy storage" on line 26
Strike: "property" on line 26 through "personal property that is" on line 27
Insert: "facilities"

3. Page 6, line 28.
Following: "and"
Insert: "associated property, appurtenant land and improvements, and personal property"
Strike: "is"
Insert: "are"

4. Page 7, line 13 through line 16.
Strike: subsection (4)(g) in its entirety
Renumber: subsequent subsection

And, as amended, do pass. Report adopted.

MESSAGES FROM THE GOVERNOR

February 1, 2011

The Honorable Mike Milburn, Speaker of the House
The Honorable Jim Peterson, President of the Senate
State Capitol
Helena, MT 59601

Dear Speaker Milburn and President Peterson:

In accordance with the rules of your respective chambers, please consider this letter a Message from the Governor regarding House Bill No. 1 ("HB 1"), otherwise known as the "feed bill. Yesterday, I signed HB 1 into law. HB 1 appropriates money from the general fund for the operation of the current Legislature, to which I have no objection. However, HB 1 also appropriates money for ongoing legislative expenses over the next biennium, including funding initial costs for the next Legislature.

Because we are here to put the people first, not ourselves, I considered an amendatory veto and also considered letting the bill become law without my signature. However, either option would have delayed passage of the feed bill, and I have been informed that the Legislature has "run up against the clock" and is without money to pay its staff should HB 1 not go into law before tomorrow. In order that legislative staff could be paid and the Legislature not come to a grinding halt tomorrow, I decided not to pursue an amendatory veto or "pocket signing" of the bill. However, I wanted you to know of my objections.

0I find it ironic that the Legislature has used the feed bill to fund itself in the 2013 biennium, while simultaneously cutting critical services for Montanans. Today, the State of Montana has $376 million in the bank. Yet in the last few days, the Joint Subcommittees voted to eliminate or reduce critical programs for Montana citizens. HB 1 -- the first bill and the first appropriations bill to be delivered to me for signature – has put the Legislature ahead of the people of Montana for the next biennium.

As you know, the budget I presented to you is balanced. It not only puts jobs and people first, it sets aside $238 million for an ending fund balance. HB 1 is the first bill to spend the revenues anticipated to be available for the 2013 biennium. I take it as a sign from the 2011 Legislature that when it decided to fund itself first, it did so as a sign that revenues are increasing and jobs and important services for Montanans will not be left behind.

Sincerely,

BRIAN SCHWEITZER
GOVERNOR

cc: Legislative Services Division

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 1/31/2011

HB 95, introduced by McNutt
HB 106, introduced by Lavin
HB 144, introduced by Washburn
HB 176, introduced by Kary
HB 236, introduced by Greef
HB 258, introduced by Edmunds
HB 268, introduced by Klock
HB 270, introduced by Lavin

House joint resolution passed and transmitted to the Senate for concurrence: 1/31/2011

HJR 4, introduced by K. Peterson

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 254, introduced by Hutton, Vincent, Murphy, Arthun, Warburton, Ankney, Walker, Jackson, Harris, Stahl, Flynn, G. Bennett, referred to Judiciary.
SB 255, introduced by Brenden, referred to Fish and Game.
SB 256, introduced by Gillan, O'Hara, referred to Business, Labor, and Economic Affairs.
SB 257, introduced by Balyeat, Jackson, Wittich, Zinke, Shockley, Hinkle, Arthun, referred to State Administration.
SB 258, introduced by Buttrey, Sonju, referred to Business, Labor, and Economic Affairs.
SB 259, introduced by Buttrey, Olson, referred to Business, Labor, and Economic Affairs.
SB 260, introduced by Windy Boy, Hamlett, Blewett, Phillips, Driscoll, Buttrey, Stewart-Peregoy,

Keane, Augare, Caferro, Gallus, referred to Business, Labor, and Economic Affairs.

The following House bills were introduced, read first time, and referred to committees:

HB 17, introduced by Hollandsworth (by request of the Revenue and Transportation Interim Committee), referred to Business, Labor, and Economic Affairs.
HB 23, introduced by Furey (by request of the State Administration and Veterans' Affairs Interim Committee), referred to State Administration.
HB 29, introduced by McNiven (by request of the State Auditor), referred to Business, Labor, and Economic Affairs.
HB 45, introduced by Ingraham (by request of the Department of Administration), referred to State Administration.
HB 47, introduced by K. Peterson (by request of the Department of Fish, Wildlife, and Parks), referred to Fish and Game.
HB 54, introduced by Vance (by request of the Economic Affairs Interim Committee), referred to Agriculture, Livestock and Irrigation.
HB 63, introduced by Noonan (by request of the Department of Revenue), referred to Business, Labor, and Economic Affairs.
HB 94, introduced by Arntzen (by request of the Department of Labor and Industry), referred to Business, Labor, and Economic Affairs.
HB 98, introduced by Welborn (by request of the Department of Fish, Wildlife, and Parks), referred to Fish and Game.

The following House joint resolution was introduced, read first time, and referred to committee:

HJR 1, introduced by Milburn (by request of the Environmental Quality Council), referred to Fish and Game.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Essmann moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Arthun in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 133 - Senator Barrett moved **SB 133** do pass.

SB 133 - Senator Barrett moved **SB 133**, second reading copy, be amended as follows:

1. Page 3, line 14.
Following: "23,"

Insert: "40,"

Amendment adopted as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Zinke.
Total 1

SB 133 - Senator Barrett moved **SB 133**, as amended, do pass. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Mr. President.
Total 48

Nays: Van Dyk.
Total 1

Absent or not voting: None.
Total 0

Excused: Zinke.
Total 1

SB 146 - Senator Lake moved **SB 146** do pass. Motion carried as follows:

Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich,

Walker, Wanzenried, Williams, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Zinke.
Total 1

SB 156 - Senator Windy Boy moved **SB 156** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Zinke.
Total 1

SB 159 - Senator Priest moved **SB 159** do pass. Motion carried as follows:

Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Mr. President.
Total 27

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Absent or not voting: None.

Total 0

Excused: Zinke.
Total 1

SB 201 - Senator Walker moved **SB 201** do pass. Motion carried as follows:

Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Gallus, Hamlett, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wanzenried, Wittich, Mr. President.
Total 30

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gillan, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Williams, Windy Boy.
Total 19

Absent or not voting: None.
Total 0

Excused: Zinke.
Total 1

SB 221 - Senator Gillan moved **SB 221** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Zinke.
Total 1

Senator Essmann moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Peterson in the chair. Chairman Wanzenried moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jones, Keane, Lake, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Windy Boy, Wittich, Mr. President.
Total 43

Nays: Blewett, Gillan, Jent, Kaufmann, Larsen, Williams.
Total 6

Absent or not voting: None.
Total 0

Excused: Zinke.
Total 1

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 105 passed as follows:

Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Mr. President.
Total 27

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Absent or not voting: None.
Total 0

Excused: Zinke.
Total 1

SB 126 passed as follows:

Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brenden, Brown, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jent, Jones, Kaufmann, Keane, Larsen, Lewis, Moore, Moss, Murphy, Olson, Ripley, Steinbeisser, Stewart-Peregoy, Tropila, Van Dyk,

Vuckovich, Wanzenried, Williams, Windy Boy, Mr. President.
Total 36

Nays: Balyeat, Buttrey, Hinkle, Jackson, Lake, Mowbray, Priest, Shockley, Sonju, Tutvedt, Vincent, Walker, Wittich.
Total 13

Absent or not voting: None.
Total 0

Excused: Zinke.
Total 1

SB 135 passed as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Windy Boy, Wittich, Mr. President.
Total 47

Nays: Kaufmann, Williams.
Total 2

Absent or not voting: None.
Total 0

Excused: Zinke.
Total 1

SB 140 passed as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.

Total 0

Excused: Zinke.
Total 1

SB 160 passed as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Zinke.
Total 1

SB 166 passed as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Zinke.
Total 1

UNFINISHED BUSINESS

Senator Barrett questioned why **SB 143**, which passed Second Reading on Legislative Day 24, was not placed on Third Reading. President Peterson responded that SB 143 was amended and would be placed on Third Reading the next legislative day.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Essmann moved that the Senate adjourn until 1:00 p.m., Wednesday, February 2, 2011. Motion carried.

Senate adjourned at 2:19 p.m.

MARILYN MILLER
Secretary of the Senate

JIM PETERSON
President of the Senate

SENATE JOURNAL
62ND LEGISLATURE
TWENTY-SIXTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
February 2, 2011 — State Capitol

Senate convened at 1:00 p.m. President Peterson presiding. Invocation by Chaplain Keith Johnson. Pledge of Allegiance to the Flag. Roll Call. All members present, except Senator Zinke, excused. Quorum present.

SPECIAL ORDERS OF THE DAY

A JOINT PROCLAMATION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA HONORING THE 2010 NAIA NATIONAL FOOTBALL CHAMPIONS CARROLL COLLEGE FIGHTING SAINTS

February 2, 2011

WHEREAS, the Carroll College Fighting Saints have achieved a history-making six NAIA National Football Championships; and

WHEREAS, Head Football Coach Mike Van Diest was recently named the American Football Coaches Association National Coach of the Year, an honor he also received in 2003 and 2007; and

WHEREAS, Fighting Saints football scholar-athletes have won prestigious awards, including senior Andy Fjeseth being recently selected as the 2010 Rimington Award winner, making him the Most Outstanding Center nationwide in the Saints' football sub-division; senior linebacker Thomas Dolan being named to the 2010 American Football Coaches Association NAIA All-America team; and quarterback Gary Wagner listed as one of two co-offensive Frontier Conference offensive players of the year; and

WHEREAS, Carroll's athletic teams in football, volleyball, soccer, golf, men's and women's basketball, cross country and track and field consistently post record numbers of regionally and nationally recognized scholar athletes for their outstanding academic achievements and high grade point averages; and

WHEREAS, Carroll College is in year one of its second century, having concluded its centennial celebration last spring in honor of its 1909 founding and 100 years of learning, serving, and leading.

NOW THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND SENATE OF THE STATE OF MONTANA that the congratulations of all Montanans go out to the players and

coaches of the 2010 NAIA National Football Champion, Carroll College Fighting Saints; and that February 2, 2011, be declared Fighting Saints Day in Montana.

President of the Senate, Jim Peterson | Speaker of the House, Mike Milburn

Minority Leader, Carol Williams | Minority Leader, Jon Sesso

BILLS AND JOURNALS: 2/2/2011

Correctly printed: **SB 146**, **SB 149**, **SB 151**, **SB 153**, **SB 156**, **SB 159**, **SB 189**, **SB 201**, **SB 221**.
Correctly engrossed: **SB 117**, **SB 132**, **SB 133**, **SB 172**, **SB 180**, **SJR 8**.

REPORTS OF STANDING COMMITTEES

HIGHWAYS AND TRANSPORTATION (Jones, Chairman): 2/1/2011
SB 179, do pass. Report adopted.

JUDICIARY (Murphy, Chairman): 2/2/2011
SB 58, do pass. Report adopted.

MESSAGES FROM THE GOVERNOR

Board of Chiropractors
Scott Hansing, Helena

Board of Crime Control
Brenda Desmond, Missoula
Angela Russell, Lodge Grass
Lois Menzies, Helena
Godfrey Saunders, Bozeman
Richard Kirn, Poplar
Randi Hood, Butte
Mike Ferriter, Helena
Sherry Matteucci, Billings

Board of Horseracing
Susan Egbert, Helena

Board of Housing
Jeanette McKee, Hamilton
Bob Gauthier, Ronan
Sheila Rice, Great Falls

Livestock Loss Reduction and Mitigation Board
Elaine Allestad, Big Timber
Larry Trexler, Hamilton
John Herman, Hot Springs

Milk Control Board
Jerrold Weissman, Great Falls
W. Scott Mitchell, Billings

Public Safety Officer Standards and Training Council
John Schaffer, Great Falls
Lewis Matthews, Wolf Point
Georgette Hogan Boggio, Hardin
Winnie Ore, Helena
Mike Anderson, Helena
James Smith, Libby

Board of Public Education
Doug Cordier, Columbia Falls
Lila Taylor, Busby

Public Employees Retirement Board
Timm Twardoski, Helena

Board of Respiratory Care Practitioners
Thomas Fallang, Butte

State Tax Appeals Board
Samantha Sanchez, Helena

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 2/1/2011

HB 20, introduced by Hendrick
HB 64, introduced by Stahl
HB 80, introduced by Arntzen
HB 110, introduced by Welborn
HB 118, introduced by Hunter
HB 125, introduced by Klock
HB 131, introduced by Menahan
HB 156, introduced by F. Smith
HB 249, introduced by Fitzpatrick

MOTIONS

Senator Barrett moved **SB 109** be passed for the day and placed on Second Reading on February 3, 2011. Without objection, so ordered.

Senator Wanzenried moved **SB 122** be taken from the Taxation committee and placed on Second Reading on February 7, 2011. Motion **failed** as follows:

Yeas: Augare, Blewett, Branae, Brown, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 23

Nays: Arthun, Balyeat, Barrett, Brenden, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Mr. President.
Total 26

Absent or not voting: None.
Total 0

Excused: Zinke.
Total 1

Senator Walker moved to suspend the rules and allow **SB 201** to be moved from Third Reading to Second Reading for the purposes of amendment. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Zinke.
Total 1

Senator Olson moved **SJ 6** be passed for the day. Without objection so ordered.

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 261, introduced by Essmann, C. Williams, McGillvray, Sesso, Tutvedt, referred to Taxation.
SB 262, introduced by Blewett, referred to Judiciary.

The following House bills were introduced, read first time, and referred to committees:

HB 18, introduced by Taylor, referred to Judiciary.
HB 44, introduced by Hoven (by request of the Revenue and Transportation Interim Committee), referred to Business, Labor, and Economic Affairs.
HB 58, introduced by Belcourt (by request of the Department of Natural Resources and Conservation), referred to Natural Resources.
HB 71, introduced by Vance, referred to Judiciary.
HB 77, introduced by Pease-Lopez (by request of the Department of Administration), referred to State Administration.
HB 127, introduced by Noonan (by request of the Department of Justice), referred to Business, Labor, and Economic Affairs.
HB 141, introduced by K. Peterson (by request of the Department of Corrections), referred to Judiciary.
HB 204, introduced by Salomon, Regier, O'Hara, Brown, Furey, Ripley, referred to Education and Cultural Resources.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Essmann moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Olson in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SR 2 - Senator Shockley moved **SR 2** be adopted. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Mr. President.
Total 48

Nays: Barrett.
Total 1

Absent or not voting: None.
Total 0

Excused: Zinke.
Total 1

SB 35 - Senator Hamlett moved **SB 35** do pass.

SB 35 - Senator Kaufmann moved **SB 35**, second reading copy, be amended as follows:

1. Page 5, line 6.
Following: "Pursuant to"
Insert: "this section and"

2. Page 5, line 15.
Following: line 14
Insert: "(iii) The relocation of a structure under this section must comply with the provisions of 85-2-402."

Amendment **not** adopted as follows:

Yeas: Blewett, Caferro, Erickson, Facey, Gillan, Hawks, Kaufmann, Keane, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Walker, Williams.
Total 15

Nays: Arthun, Augare, Balyeat, Barrett, Branae, Brenden, Brown, Buttrey, Essmann, Gallus, Hamlett, Hinkle, Hutton, Jackson, Jent, Jones, Lake, Larsen, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Wanzenried, Windy Boy, Wittich, Mr. President.
Total 34

Absent or not voting: None.
Total 0

Excused: Zinke.
Total 1

SB 35 - Thereupon, the Senate reverted to the original motion of Senator Hamlett which passed as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Erickson, Essmann, Facey, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Lake, Larsen, Lewis, Moore, Mowbray, Murphy, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Windy Boy, Wittich, Mr. President.
Total 40

Nays: Caferro, Gallus, Kaufmann, Keane, Moss, Olson, Stewart-Peregoy, Tropila, Williams.
Total 9

Absent or not voting: None.
Total 0

Excused: Zinke.
Total 1

SB 173 - Senator Tutvedt moved **SB 173** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Mr. President.
Total 47

Nays: Erickson, Jackson.
Total 2

Absent or not voting: None.
Total 0

Excused: Zinke.
Total 1

SB 201 - Senator Walker moved **SB 201** do pass.

SB 201 - Senator Walker moved **SB 201**, second reading copy, be amended as follows:

1. Page 1, line 20.
Following: "identify"
Insert: "by class or group the"

Amendment adopted as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.

Total 0

Absent or not voting: None.
Total 0

Excused: Zinke.
Total 1

SB 201 - Senator Walker moved **SB 201**, as amended, do pass. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Branae, Brenden, Brown, Buttrey, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Lake, Larsen, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Mr. President.
Total 41

Nays: Blewett, Caferro, Erickson, Kaufmann, Keane, Moss, Stewart-Peregoy, Tropila.
Total 8

Absent or not voting: None.
Total 0

Excused: Zinke.
Total 1

Senator Essmann moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Peterson in the chair. Chairman Olson moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Zinke.
Total 1

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 143 passed as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Windy Boy, Wittich, Mr. President.
Total 45

Nays: Caferro, Erickson, Kaufmann, Williams.
Total 4

Absent or not voting: None.
Total 0

Excused: Zinke.
Total 1

SB 146 passed as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Zinke.
Total 1

SB 156 passed as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent,

Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Zinke.
Total 1

SB 159 passed as follows:

Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hamlett, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Mr. President.
Total 28

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 21

Absent or not voting: None.
Total 0

Excused: Zinke.
Total 1

SB 221 passed as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.

Total 0

Excused: Zinke.
Total 1

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Essmann moved that the Senate adjourn until 1:00 p.m., Thursday, February 3, 2011. Motion carried.

Senate adjourned at 2:07 p.m.

MARILYN MILLER
Secretary of the Senate

JIM PETERSON
President of the Senate

SENATE JOURNAL
62ND LEGISLATURE
TWENTY-SEVENTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
February 3, 2011 — State Capitol

Senate convened at 1:00 p.m. President Peterson presiding. Invocation by Chaplain Keith Johnson. Pledge of Allegiance to the Flag. Roll Call. All members present. Quorum present.

MOTIONS

Senator Essmann moved the Senate recess and proceed to the House of Representatives for the State of the Tribal Nations address. Upon adjournment of the joint session, the Senate will reconvene. Motion carried.

The Senate recessed and proceeded to the House of Representatives.

President Peterson assumed the chair.

Senator Essmann moved that the body resolve itself into a joint session for the purpose of receiving the State of the Tribal Nations address. Motion carried.

Senator Essmann moved that the President be authorized to appoint a committee of four to notify Willie A. Sharp, Jr., Chairman of the Blackfeet Nation, that the House and Senate were in Joint session and ready to receive the State of the Tribal Nations address. Motion carried. President Peterson appointed Senator Brown, Senator Windy Boy, Representative Evans, and Representative Frank Smith. The committee was discharged to escort Chairman Sharp into the House chambers. The committee escorted Chairman Sharp to the rostrum.

Invocation was given by Calvin Two Teeth from the Confederated Salish-Kootenai Tribe.

Chairman Sharp delivered the following address to the Joint session:

Ho kaa hii - ho kaa hii Campcrier signal) Oki! Sa Nee Dah Ne Koo: Mii Staa ke Kyi-yo (Mountain Bear) and Holy Ground Walker, (testimonial of Indian name acquisition: I was given Mountain Bear by adopted father Mr. Bruce Wolf Childo Blood Elder and I received my baby name Holy Ground Walker from Cree Spiritual Leader John Good Runner.

I extend greetings to the people of the great state of Montana, leaders of the 62nd Legislature, members of the press and media, distinguished tribal leaders and officials of our tribal nations and to the friends of Indian country.

I want to welcome you to the original territory of the Blackfeet Confederacy. I would like to explain the composition of the Blackfoot Confederacy (Situated in Alberta Canada: Siksika-Northern Blackfoot Tribe/Band, Kainai-Blood Band, Southern Piegan-Piikuni, and USA: Amskapii Piikuni-Blackfeet). Since the time that Governor Schweitzer was elected to lead Montana as governor, Tribal Leaders from their respective reservation homelands have had the pleasure

to come and render an address. This honorable opportunity provides a means to give insight and information that serves as a nexus between Tribal Nations and to the Montana Congress that highlights Indian successes and progress. It serves as a format to illustrate and plot a course that each respective Tribal Nation envisions as they move forward toward the many challenges that exist today. I am deeply honored to be here today and presenting this message to you and conveying pertinent information about Tribal Nations. I feel that this message is very significant in the fact that all of you here today are able to hear and be partakers of this historic message between Montana and Tribal Nations relations.

I am Willie A. Sharp, Jr., of the Amskapii Piikuni, in 2009; I and other heads of the respective Tribes of the Blackfoot Confederacy were confirmed as Chiefs in the historical grounds of Glacier National Park at St. Mary. More commonly I am known as the Chairman of the Blackfeet Tribe. I currently am serving my second two-year term as Chairman. I am a member of the Montana Wyoming Tribal Leaders Council and have previously served on the National Congress of American Indians as the Rocky Mountain region vice chairman under President Joe Garcia. I might add that the Indian and Eskimo Nations of America now have their own Embassy located in Washington DC promoting Indian issues and lobbying for a better life for all Indian and Eskimo people. I am proud to announce that a fellow Blackfeet leader helped to forge and establish the foundations of the National Congress of American Indians. Please acknowledge Mr.Walter "Blackie" Wetzel whose Indian name is "Flying Eagle."

Before I bring you the message of shaping the Frontiers in Indian Country, I want to acknowledge my wife of 36 years, my First lady, Mrs. Denise Bear Medicine Sharp: we have three children, Arlen, Willeena, and Billy Dee and four grandchildren. My mother is here today, Leona Fish Wolf Robe Sharp, whose grandfather was born near this valley, and her grandmother and mine lived and was buried in this very valley. Also, I would like to mention my mother-in-law, Mrs. Thelma White Grass Bear Medicine. The honor drum group here today is named Young Grey Horse. Members of this group are: my son Arlen Sharp-Leader, nephews Durand Bear Medicine, Galen Sharp, Austin Bear Medicine. A point of interest I might add, this group is a result of our youth undertaking and continuing the ways and culture of our Indian people. Today they sang the "Grand Entry and Flag Songs," and are an international renowned drum group that earned them a Grammy nomination. The popularity of American Indian music earned its own separate category in the annual competition known as the Native American Music Awards or Nammy's. Please help me to honor these fine young gentlemen. I would like to recognize my fellow Blackfeet Tribal Council members and any other Tribal Council members from the other Tribal Nations who are here in support of this address please stand and be recognized. Also in attendance from the Piikuni Nation, please welcome Chief Reggie Crowshoe from Brocket, Alberta, Canada. Thank you.

Today's Tribal Leaders across Montana are the designated Leaders within their respective reservation land and are charged with the task of leading and helping to shape the course of their people's livelihood. The hopes and dreams of our people and newer generations each look upon the course that is sought and conveyed to by the efforts of our Tribal Leaders 2011, State Of Tribal Nations Address and through the support to realize the paths. Many difficult challenges arise or spring from the paths or courses along the way presenting themselves as adversaries to the goals of those Tribal Leaders. I and many other Indian people are here today as a result of the generations and generations of our ancestors who've faced a challenging world in their times.

Today the course of many Tribal Leaders is one to shape and bring about results that will endure and provide for the Indian people today. It is possible for me to be here because I, too, am a direct descendent of many of my ancestors who made it possible. We, too, realize that in this complex world there exists many challenges and uncertainty that we must endure and overcome to achieve success.

Our paths as Indian Nations were forged with the ingenuity and perseverance that helped to make each Nation unique as a people; our paths were filled with pride and integrity. Our modern day survival is dependent upon many facets that confront our quest towards the achievement of new frontiers on many fronts. Our commonalities are similar, yet each Indian Nation differs in respect to their own cultures, languages, traditions and history. I can say that as Tribal Leaders we must consider our stature, sovereignty, and character respectively. We must also consider the tasks to bring each of our Nations back to a vibrancy state. The aspiration and dreams that we envision can be dependent on each of us connected and bound together to collectively shape and achieve the quest. We must look upon each other not as separate entities labeled as Republicans, Democrats, Independents, Liberals, Conservatives; or distinguished by coloration of brown, white, red, yellow, black. I say, together we can work and strive for economic sovereignty for each of our nations, we can together work to improve and enhance the quality of life for our nations, and allow for social independency among our nations. I say again, that our nations are willing and empowered to regain their ownership of the unique environments that made each of us such powerful contenders. Our regained stewardship will ensure that our lands and resources serve and provide for our next generation of children and their children, and ultimately will be part of the new frontier that our Tribal Leaders strive for.

Together no matter whom we are time marches on in the new millennia, and as Indian Nations it is evident that we will need to evoke the processes and paradigms of tribal governments, economic sovereignty, higher order learning, education opportunities, health and natural resources. We can together in a strategic fashion bear upon these areas to help assist each of our quests to impact our economic, social and political challenges. We invite you, leaders of this Congress as partners. As I stand before each of you here today, our world exists in an extraordinary time. No longer are we in such a remote corner of the world. Through technology and modern means, our Montana and its citizens are in touch with the entire world at the touch of a tab or click of a mouse. Montana's Indian Nations have emerged and are in tune with the global structure and how we are impacted by this modern innovation of growth. Indian Nations have emerged as a strong and growing group of people in terms of population growth, they are considered the fastest growing segment of people and expected to continue to grow. For example, along the Hi-line area from the Rocky Mountains east to the eastern border of Montana, cities and towns are experiencing an exodus of people leaving these areas, yet not so in Indian communities. Despite the many past federal and state policies, we as Indian people have emerged as survivors against those policies meant to diminish or result in our destruction; still we are surviving and experiencing growth in our populations. I might point out in the 2009 U.S. Census Bureau it was reported that the Native American population was fixed at 62,873 which makes up for 6.45 of the state's population of minorities. Accordingly, it was also reported that 11,574 comprised of Native American decedents, which would result in7.4o/o and translate into the largest minority group in this state.

The enormous task is evident as pointed out, and as Tribal leaders, we face a broad spectrum of

problematic areas to wrangle with and in the face of a growing population of people see a diminishment of funding cuts currently. Tribal Leaders in the face of these kinds of challenges and obstacles are looked upon to lead and chart the course for this generation of our fellow tribal members. I see our Tribal Leaders as the newest modern day warriors stepping forward and symbolically resembling the "north star," pointing the way to a new realm and staying fixated despite the shifts and changes along the way. The new frontier as it pertains to Indian Nations again can be realized and achieved through the collective efforts. I would like to say, "Thank you" to Governor Schweitzer for providing an opportunity and forging a relationship that strengthens Tribal-State relations through the State of Tribal Nations address. I would like to also say "Thank you" to the members of the House of Representatives and Senate.

I would like to pause and take this time to acknowledge a very distinguished group of individuals who not only are Native American, but come from all parts of Montana. These are our veterans who've taken the time out of their lives to faithfully serve in the United States Armed Forces. There are an estimated 1,500 men and women who come from the various tribes across Montana, and are involved in wars in Afghanistan and Iraq or in security duty in other parts of the world. I would like to express the deepest respect and honor upon the veterans who have served and the service men/women on active duty now. I say Thank you for protecting our homelands and freedom. I want to specifically mention that among our Blackfeet Nation in the latter part of the 1800's lived a young female who became a powerful warrior in a time when men dominated in our society. Her name was, "Piita Mah Khann," or Running Eagle. Situated on the east side of Glacier National Park in the Two Medicine valley is a unique water fall formation that formally was known as "Trick Falls." Near this location many years ago, Running Eagle would travel there to fast and pray as part of her spiritual way of life. Today, this Water Falls bears her name, "Running Eagle Falls," testimony of a brave and courageous warrior who transcended. In addition our Blackfeet population is at about 17,000 enrolled members and still growing, I might add that the highest number of service men and women today come from the Blackfeet Nation serving on active duty status. Young Blackfeet tribal members serve in all branches of the US Armed Forces including the CIA. I ask at this moment if you will join me in a brief moment of silence for one of our Blackfeet members killed in recent years in the region of Shkin in eastern Afghanistan tracking and battling high level Taliban and Al Qaeda terrorists loyal to Osama Bin Laden. William F. "Chief" Carlson, 43, whose Blackfeet Indian name was "Ee-see-n-ah- MAH'-kan that means "Takes Rifle Ahead" was part of a CIA presence and faithfully performed his duties and role as part of the operation at the time his final request was to drape the Blackfeet Nation Flag over his coffin and display it yearly on Memorial day in addition to the U.S. flag. He and another officer (also killed) saved the lives of others that were in this remote region area without hesitating or regard for their own safety,
but performed their duties and roles. Thank you! I have in our audience one of his relatives here, Ms. Trish Carlson Augare, my administrative assistant and sister-in-law to Senator/Councilman Shannon Augare.

I would like to bring attention and pay respect to those individuals who serve in our Law Enforcement departments all across Montana and to the local firefighters in each of our communities each of these respective professions help keep our families safe. They are a unique group of warriors who serve in their varying roles and guard and provide for our safety every day. Thank you for your dedication and for keeping all of us safe.

Tribal Leaders across Montana are similar to our elected Senators and Representatives sitting here today. We have aspirations of the tasks of running and maintaining a viable government and providing for a healthy budget to operate within. As First Nation people we envision ourselves as being able to work through the challenges of today's world with regard to poverty, high unemployment rates, and working to provide for improving our people's life expectancy and developing better educational health awareness that will improve the quality of life of our people. Establishing and maintaining good relations with government to government entities will foster and strengthen this area necessary to achieve those things that are paramount in Indian country.

In developing and strengthening the relationship in recent years we as Tribal Leaders appreciate the involvement of Indian people to work side by side on many of the issues that confront all of Montana and in Indian Country, it is evident with the essential part of state government. We saw after the elections in recent years where Ms. Denise Juneau became a vital part and function of this relationship by being elected to serve in the Office of Public Instruction Superintendent, the first Native American woman. Please help me to recognize Ms. Juneau who is Blackfeet but also part of the Three Affiliated Tribes- Mandan/HidatsalArikira of North Dakota. She is representative of the generation who have excelled through hard work and determination by achieving a sound educational understanding and returning home to work for Indian people. She is an inspiration for Indian country and is representative of what hard work and dedication will bring a person to. Another example can be seen in the Director of Indian Affairs Office and the role it plays in the relationship connection. Lesa Evers, who oversees that office, also has roots in Blackfeet country; she is also proud of her Cree side and lineage. Thank you to Lesa for all your hard work and to maintain a constant communication network that serves and keeps Montana's Tribes in the loop. Anna Whiting-Sorrell, who hails from the Confederated Salish Kootenai, is in command of a very important department. The Department of Health and Human Services is vital in support of the types of services and programs that is available for Tribes and their programs. These individuals play an important facet from a government to government setting and provide for a voice that keeps in mind all groups of people across Montana. Thank you.

Tribal Leaders across Montana feel that their voices can be heard and conveyed to the respective Representatives and Senators at the State level through during this 62nd Montana Legislature. This Legislature has in its midst many fine Senators and Representatives who are Native American. Will you please stand and be recognized. Our elected officials come from all parts of Montana and within each of their respective districts diligently strive to meet and address the many citizens' concerns and issues at the State Capitol. In the most recent election held, citizens of Glacier County elected a Republican woman, Ms. Lila Evans who is Blackfeet and is evident that Native Americans do elect and send Republicans to the Legislature. On a personal note, one day my son Billy Dee arrived home from high school and said he wanted to share something with me and his mother about something on his mind. Fearful that he was into something bad or had committed an unspeakable act, so we toughened up and sat down with Billy Dee, speaking slowly he said, "Mom, Dad, I want to tell you that I'm a Republican and believe in their views. Bracing for the worst you can imagine our look when it was revealed, and his mother and I took several deep breaths and said "Okay, is that all?" He said yes, and went off for cross-country practice. His mother replied to me, "Well, it looks like he's following in the footsteps of his great-great-great grandmother Mary Grounds," who was a staunch Republican. Some of her decedents are here today including my wife.

One committee who deserves a significant amount of respect and recognition is the Senate Appropriations Committee comprised of as a bipartisan effort working together on behalf of all Montana's citizens. One part that should be noted is the Indian Equity fund that was partially restored. On another front, the Indian Country Economic Development battle is ongoing and not over yet. I urge the members of this committee to restore a very important element with the ICED funds.

I had previously mentioned our respective elected officials. One person that I'd like to mention and has worked on this committee is fellow Blackfeet Tribal Council member and State Senator, Mr. Shannon Augare. Please stand and be recognized, Shannon participated in four elections in 2010. It is an honor to serve with on the Blackfeet Tribal Government level and appreciate your efforts at the State level for all the hard work you do. Thank you.

There are many important pieces of legislation that come to mind that ultimately serve the needs of Indian Nations; HB-2 Economic Development program that will aide business owners and spurn growth, HB-49, sponsor-Betsy Hands, that allows for the sale of bonds to help settle the Blackfeet water issues, HB-79 sponsored by Lila Evans that provides for authority for Blackfeet mitigation accounts/payments, HB-279 sponsored by Frank Smith that allows for access to the Governors' emergency fund in time of disasters, LC-1990 sponsored by Caroline Pease-Lopez, for issues of equality purpose with regard to tribal property used for governmental services and exemption from taxation, as local counties, cities and other entities get to enjoy, LC-2144 sponsored by Representative Gary Branae. Passage would allow tribal governments to continue their land acquisition programs by temporarily exempting tribal fee land from taxes while property moves into trust status. The federal process is lengthy and expensive. I previously had mentioned that the efforts of Betsy Hands in the revenue bonds for the settlement of the Blackfeet water compact are an ongoing process that in itself has many issues that are spurned from the topic. The upgrades and improvements will ultimately serve to better develop and enhance the water storage on the Blackfeet Reservation. Much of the work has involved bipartisan working relationships to continually move towards an agreeable solution. The water compact must be approved by the U.S. Congress and finally by a vote of the Blackfeet people. Water is a sacred element among tribes and is held in reverence as it is able to bring forth life and helps to nurture and sustain life.

The quest for success in these areas is dependent on the available resources on many fronts, locations, funding, and ability to market Tribes' product in a competitive market. The challenges existing are comprised in many different variables as Indian Nations struggle to tap into the realm of developing their own projects or opportunities. In recent years Indian Nations are mindful of the nature of the wind spirits and the power contained in the movement of our Montana winds. In a global sense more and more efforts are seen in the untapped renewable energy market that is yet to be harnessed and tamed that will in turn serve and provide for the needs of those Tribal Nations as they develop and create jobs and marketing the power to others. Federal funding is a source to assist and help Tribes by closely working to secure and develop such large variable wind projects, I encourage the State of Montana to assist and help in areas that pose a possible source to assist and help Tribes in their quests. Transmission lines should be considered among Tribes as an alternative to the large scale issues of land leasing, condemnation, and time spent in courts off the reservations. Tribes offer the available land sites for projects by way of the blocks of land that are in tribal status and can quickly be utilized without the process of land leasing problems

encountered off the reservation. We are good neighbors and when sincere Tribal Leaders and their array of technicians are willing to sit and meet with potential investors, developers, and discuss the issue of an agreeable and equitable contract that hammers out the issues that each side may have. Please be advised that to realize the jurisdictional problem that companies or investors may have can be mutually agreed upon in a choice of legal resolution court system. Many Tribes are mindful of the concerns that this may pose and have developed policy changes from within their own respective governments, for example the Crow Nation implemented a version of the Model Secured Transaction Commercial Code that helps to provide protection and safeguard the private sector's interests and transactions. I might add that to help realize economic gains for our respective people, it is necessary to think outside the "circle."

A vast potential also exists with the tourism arena. Many Tribal lands are unique and or situated close to a special feature or landscape that they are able to draw from or utilize to promote and enhance their tourism industry. In the Blackfeet area we share the location with Glacier/Waterton National-International Park, most recently saw the celebration of the 100 year anniversary of Glacier. During the height near the end it is estimated that millions of visitors travel through our part of Montana in either direction; each of these visitors seek out new adventures or renew old ones by venturing back to Glacier National Park. The potential of these millions of visitors each year translates into dollars that help to vitalize and boost many businesses; that help them to grow by creation of jobs, and ability to upgrade their businesses' potential. Our Native people can tap into this market through small or large business ventures that caters to the desires of the visitors; for example, the arts and crafts can be tremendous for persons having this type of business, yet the vendors market and sell items crafted from foreign countries. Our visitors need to be aware that the frontier of Montana is not a lawless and unforgiving place to visit, yet the notion that Tribal communities are a place to quickly traverse without stopping. Improved awareness and knowledge about our Montana Tribes is necessary for the Tribes to expand and grow their interests in this area. Visitors need up-to- date information about our great state and our First Nation people, through improved tourist centers, or on the internet that is accurate and complete. Let us rid the old racial stereotypes and misunderstandings that Natives hear constantly as factors people express when they do stop on or near our reservation lands.

I would like to say that our Tribal people contribute in a large way to the border towns near reservations or to the larger cities like Billings, Great Falls, Helena, Kalispell, Butte, Missoula, Cut Bank, Conrad, Glasgow, Havre, Hardin, Williston ND to name a few. There needs to be a two-way partnership in that economic money must be transmitted back into communities located on the respective reservations. In a meeting I recently had with James Parker Shields, of War Shield Development Corporation, our people's hard earned dollars flow out, but in the ebb movement nothing comes back in. Our people are known for their generosity in many ways. During the high school basketball games off the reservation is a boom time in that clubs, 50-50, raffles, and other fund-raising projects benefit from the Native fans' dollars. Our presence has enhanced many.

The development of infrastructure and other economic opportunities are desired and appreciated that assists with Tribal economic progress. Other noted ventures such as the Northern Cheyenne's awarded stimulus funding to help with and provide for broadband opportunities for their communities and schools in that part of Montana. The potential for such a project not only will help the people in many ways, but will provide a quicker solution or results for the problems that

they contend with in an array of settings. Schools, government offices, medical professions, and private citizens are able to complete their solutions faster by a broadband network with other parts of Montana and the world. In another setting Community Tel of Ronan partnered with a Blackfeet project company, Oki Communications, that will assist and bring about improvements and potential for both the Blackfeet and Confederated Salish and Kootenai tribes in many ways, also similar to the issues with the Northern Cheyenne Tribe.

The problems associated with life on the reservations is widely known, high death rates, low life expectancy, poverty issues, economic woes, and remoteness that confront our citizens on our reservations. It is important that the current Congress be mindful of the need to allow Health Care mandates for all of Montana. Please be mindful of the situation of those that depend on the facets of available and quality health care. I can stress that it is imperative that thoughts be focused on the newer generations of Montana's Tribal communities who have endured the inadequate health care as a result of budget cuts or disproportional formulas that factor allocations for our Indian Nations. I would like to take this time to recognize and mention a Blackfeet Elder whose eyes have seen a great deal throughout her life, Mrs. Lillian Henault Bullshoe, she is 103 years old and still going strong. Thank you.

Recently, I sat in this very room and heard Governor Schweitzer's State of the State address on the topic of education and how to lead a better life was to work hard and get a good, sound education that would provide for our youth out of high school. Our elders have encouraged us to stay in school, learn all that you can each and every day, "because" some day you're going to need it, and it will help you to survive in the world. I am extremely proud of the work with the bipartisan effort to promote and help establish "Indian Education For All." In other states and parts of the United States, Tribal Leaders and educators in those areas have expressed a desire to see a similar statute begin or be enacted in their respective states. Today you see the Young Grey Horse drum group carry on the culture, yet each are graduates of high school and some have entered the post secondary colleges/universities, and recently many of you witnessed the Blackfeet and Crow Tribes high school students perform through song and dance. Our local school districts can help to foster and assist to carry on the distinct cultural ways through a sound educational setting that brings about pride and encourages our students to proceed towards the next generation of leaders and citizens. Previously, I mentioned that many populations in smaller communities, towns, and school districts are diminishing and consolidating or merging together 2-3 at a time to create a larger school. Being an educator I know that this results in saving the taxpayers money in those areas, but at the same time creates a loss of identity or culture for those towns/communities that saw their schools close. On a flip side, Indian communities are seeing an increase in population growth; for example, our Blackfeet Tribe experienced an increase from last year when our population was 16,500 in comparison to this year's population that saw an increase to about 17,000 enrolled members excluding decedents. In our local district this resulted in the need to build a bigger high school and create more classroom space for the students. I might add that many of our area students either attend schools on the reservation in Browning and Heart Butte, others go off to attend BIA boarding schools, De LaSalle, Valier, Cut Bank or across the border in Cardston, Alberta, Canada. Other reservations may have similar growth spikes that result in the reorganization of their schools being reclassified such as Rocky Boy Reservations high school "Northern Stars" jumping from Class C to Class B.

As the state government wrangles with changes in the priorities of budgeting for our schools and institutions, as an educator and tribal leader I urge you to continue to provide for our students education across Montana. In reference to the Governor's statements you will be providing an opportunity for the generations to come with an opportunity and means to gain a good education that will improve their lives and provide for them. I want to add that I am a product of our Montana's school systems, Browning high school graduate,1972, Blackfeet Tribal Community College 1985, University of Montana-BA degree in elementary education-2,1994, MSU Masters of Education(M. Ed.)--School Administration/Leadership 2000, endorsements as K-12 principal and superintendent. So, in my house we have to bear on our bumpers the divided sticker advocating our loyalty for both the "Griz and Bobcats." I mentioned that the funding for the high school through the college/university eras for myself helped me to become a newer generation where I came back to provide for my family and enabled me to help educate our reservation students. My years as an educator/teacher saw me teach fourth grade for five years, seventh grade middle school for six years, and principal for six years, and I am proud to be apart of this professional group. Let's together look to support this very important foundation in our communities. They are our hopes and dreams for the future. Many of the tribal community colleges help to contribute and prepare students for the next level of their educational paths and are improving their ability to provide two-four year programs for a variety of degree opportunities. For example, Salish Kootenai College offers new four-year bachelor programs at an affordable cost, but the tribal colleges need our help. Rising costs for improvements to facilities, curriculum and staff are rising. We can attest to the fact that the costs have risen in many other areas that taxes student funds to stay and maintain themselves or families. Tribal institutions serve a variety of different students, members, non-members, while tribal institutions serve the needs of students as described. State institutions receive federal and state benefits that help cover their costs; tribal institutions do not have this opportunity. Non-Beneficiary Payments would most certainly provide and serve the needs of tribal institutions.

Indian Nations have always been mindful of the homeland security issue and in this decade have seen it soar to the front as a concern for our country and state. Each Tribal Leader is aware of the encroachment or trespass problem in terms of protecting their tribal lands or environments. In today's globally changing world we are all concerned with the issue of providing for and maintaining a safe community that connects all our respective forces together in the Indian community. Close coordination of law enforcement agencies, medical and disaster agencies, and municipal entities such as towns/cities, and tribal security forces-Fish and Game, Indian Health Service (IHS) security, Housing Security, Facilities Security. Our Blackfeet Nation borders that of Alberta, Canada, with approximately 70 miles of fence that is largely unprotected. Funding is necessary to provide for our own Tribal Nation's forces to enable each Tribe to provide for their own internal agency charged with providing for our safety and that of the country. As it is, funding for the Blackfeet amounts to a trickle-down process and is significantly diminished in the amount to maintain and provide for a fully equipped department comprised of tribal members with law enforcement background. Presently our Tribe has one full-time employee and two part-time employees, yet the federal agencies-Border Patrol, ICE, Customs, Immigration, and Canadian Southern Alberta region RCMP, seek out our department staff due to the tribal lands of the Blackfeet Nation. All we ask is that Tribes be afforded any funding or consultation as it pertains to our homeland security and for the protection of our tribal members.

I would like to say that our new frontier is upon us again in these new millennia. The Schweitzer Administration have provided an opportunity for Tribal Nations that are self governing and the State of Montana to come together and work towards resolving the issues that present themselves as barriers or obstacles for the growth in Indian Country. Many Tribes have taken the risk and have taken the steps towards forging progress and economic growth in their communities: Blackfeet Nation established inroads into the military contracting with the creation of Blackfeet Advanced and Radiance Technologies and Chief Mountain Technologies with ability for Super 8a status; Crow Nation ventured into the Coal-to-Liquid Plant; Confederated Salish, Kootenai Nation established S & K Technologies; Fort Peck Nation forged ahead with A & S Industries; Fort Belknap Indian Community Council developed beef processing and packaging.

We are witnessing a great segment of time for Montana and for the Indian Nations. We ask and promise you a results and a return on the investments if you join us in the Circle. I ask if the legislature to restore funding to the Indian Economic Development grant. Through this opportunity my tribe was able to utilize the appreciated funding to establish a facility to manufacture materials. The $70,000 investment was a part to bring about a $3.2 million military project onto the Blackfeet Reservation employing tribal members with jobs, education and an opportunity to demonstrate to everyone we are serious and want to succeed. Our tribal members have showcased our Adaptive Lightweight Material Construction products to our Montana Senators in recent times. This opportunity capital has been a nexus to the success that Tribal Leaders and the movers and shakers envision and realize with the Indian Equity Funding that assisted Indian businesses around the state.

There can be many victories and together we can all count coup on those challenges that confront the Indian Nations that are self governing and together we can share in the growth of all Montana's citizens no matter what color we are. Tribes are ready for assembling their respective tribesmen and conquering the foes of economic setbacks, poverty, poor health care issues, and social ills that confront us all. I ask that all of us here today resolve our issues with the dialogue processes and empower yourself to better understand those that inhabit Montana. In the historic old days strength and unity resulted in the large camp of lodges. Let us not set ourselves away into smaller camps of lodges and remain disconnected. Together let us forge our progress collectively and achieve the dreams by maintaining One Lodge, One Circle, and One Home Campfire. Thanks to the Creator, for all the things we enjoy, our families/friends, our health, and let us not forget our obligations as we live in this Great State of Montana. Always remember that on this day we were a family of brothers and sisters together, Soo ka pii, Hun yii.

The benediction was given by Representative Small.

The committee escorted Chairman Sharpe and honored guests from the Joint session.

Senator Essmann moved that the Joint session be adjourned. Motion carried.

The joint session adjourned and the Senators resumed at 2:15 p.m.

BILLS AND JOURNALS: 2/3/2011

Correctly printed: **SB 35**, **SB 58**, **SB 173**, **SB 179**.
Correctly engrossed: **SB 201**.

MOTIONS

Senator Buttrey moved **SB 258** be moved from the Business, Labor, and Economic Affairs committee to the Highways and Transportation committee. Without objection, so ordered.

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Balyeat, Chairman): 2/3/2011
SB 223, introduced bill, be amended as follows:

1. Page 1, line 26.
Strike: "the board may adopt rules to increase"

2. Page 1, line 27.
Strike: "continued"
Insert: "continues"
Strike: "an active"
Insert: "a"
Following: "30 years of"
Insert: "credited"
Following: "service"
Insert: "must be increased"

3. Page 1, line 28.
Following: "year of"
Insert: "credited"

4. Page 2, line 1.
Strike: "board may reduce a"
Following: "benefit"
Insert: "must be reduced"

5. Page 2.
Following: line 2
Insert: "(c) This subsection (5) applies only to members who retire after [the effective date of this act]."

And, as amended, do pass. Report adopted.

NATURAL RESOURCES (Barrett, Chairman): 2/2/2011
SB 89, introduced bill, be amended as follows:

1. Title, page 1, line 7.
Following: "HEALTH;"
Insert: "CLARIFYING PROCEDURES FOR PROVIDING EVIDENCE OF SYSTEMS COMPLIANCE; REQUIRING THE DEPARTMENT TO NOTIFY APPLICANTS UNDER CERTAIN CIRCUMSTANCES IF AN APPLICATION DOES NOT INCLUDE EVIDENCE OF CERTIFICATION FROM THE LOCAL HEALTH DEPARTMENT OR APPROVAL FROM THE LOCAL GOVERNING BODY; REVISING PROCEDURES FOR DEPARTMENT REVIEW OF SUBDIVISION APPLICATIONS;"

2. Page 3, line 5.
Following: "plat"
Strike: "; and"
Insert: ". Evidence that the systems will comply with local laws and regulations must be in the form of a certification from the local health department as provided by department rule."

3. Page 3, line 10.
Strike: "20"
Insert: "45"

4. Page 3, line 12.
Strike: "30"
Insert: "55"

5. Page 4, line 10.
Following: line 10
Insert: "(b) Within 5 working days after receipt of an application that is not subject to review by a local reviewing authority under 76-4-104, the department shall provide a written notice for informational purposes to the applicant if the application does not include a copy of the certification from the local health department required by 76-4-104(6)(j) or, if applicable, contain an approval from the local governing body under title 76, chapter 3, together with any public comments or summaries of public comments collected as provided in 76-3-604(7)(a).

(c) If the reviewing authority denies an application and the applicant resubmits a corrected application within 30 days after the date of the denial letter, the reviewing authority shall complete review of the resubmitted application within 30 days after receipt of the resubmitted application. If the review of the resubmitted application is conducted by a local department or board of health that is certified under 76-4-104, the department shall make a final decision on the application within 10 days after the local reviewing authority completes its review."
Renumber: subsequent subsection

6. Page 4, line 12.
Strike: "30"

Insert: "55"

And, as amended, do pass. Report adopted.

STATE ADMINISTRATION (Shockley, Chairman): 2/2/2011
SB 34, do pass. Report adopted.
SB 182, do pass. Report adopted.
SB 194, do pass. Report adopted.
SB 204, introduced bill, be amended as follows:

1. Title, page 1, line 8.
Strike: "COUNTIES"
Insert: "LEGISLATIVE DISTRICTS"

2. Page 1, line 16.
Strike: "counties"
Insert: "legislative districts"

And, as amended, do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 2/2/2011

HB 19, introduced by Sands
HB 24, introduced by McChesney
HB 53, introduced by Klock
HB 66, introduced by Swanson
HB 142, introduced by Sands

House joint resolution passed and transmitted to the Senate for concurrence: 2/2/2011

HJR 5, introduced by Regier

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 263, introduced by Facey, Dick Barrett, referred to Natural Resources.
SB 264, introduced by Hinkle, Balyeat, Hendrick, Miller, Regier, Murphy, O'Neil, , Wagner, O'Hara, Harris, Jackson, Skees, Read, Hale, Osmundson, referred to Business, Labor, and Economic Affairs.
SB 265, introduced by Hamlett, Murphy, Jones, McNutt, Larsen, Brown, McChesney, Wilmer, referred to Taxation.

The following House bills were introduced, read first time, and referred to committees:

HB 12, introduced by Menahan (by request of the Law and Justice Interim Committee), referred to Judiciary.
HB 21, introduced by Dick Barrett (by request of the Revenue and Transportation Interim Committee), referred to Taxation.
HB 37, introduced by McChesney (by request of the Department of Environmental Quality), referred to Natural Resources.
HB 52, introduced by Ankney (by request of the Department of Environmental Quality), referred to Natural Resources.
HB 57, introduced by Hiner (by request of the Department of Labor and Industry), referred to Business, Labor, and Economic Affairs.
HB 61, introduced by MacLaren, referred to Local Government.
HB 62, introduced by MacLaren (by request of the Public Service Commission), referred to Local Government.
HB 69, introduced by Menahan (by request of the Law and Justice Interim Committee), referred to Judiciary.
HB 76, introduced by Mehlhoff (by request of the Department of Natural Resources and Conservation), referred to Natural Resources.
HB 84, introduced by Boland (by request of the Department of Labor and Industry), referred to Business, Labor, and Economic Affairs.
HB 89, introduced by Ingraham (by request of the Commissioner of Political Practices), referred to State Administration.
HB 103, introduced by Fitzpatrick (by request of the Department of Revenue), referred to Taxation.
HB 111, introduced by Stahl (by request of the Department of Revenue), referred to Taxation.
HB 119, introduced by Hendrick (by request of the Public Employees' Retirement Board), referred to State Administration.
HB 120, introduced by McGillvray (by request of the Legislative Council), referred to State Administration.
HB 132, introduced by Hoven (by request of the Department of Revenue), referred to Taxation.
HB 250, introduced by Menahan, Hansen, referred to Judiciary.
HB 269, introduced by Lavin, Noonan, Hollenbaugh, O'Neil, Brodehl, referred to Judiciary.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Essmann moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Facey in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SJR 6 - Senator Olson moved **SJR 6** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Gallus, Gillan,

Hamlett, Hinkle, Hutton, Jackson, Jones, Keane, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Vuckovich, Walker, Windy Boy, Wittich, Zinke, Mr. President.
Total 35

Nays: Blewett, Branae, Caferro, Erickson, Facey, Hawks, Jent, Kaufmann, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried, Williams.
Total 15

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 109 - Senator Barrett moved **SB 109** do pass. Motion carried as follows:

Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hamlett, Hinkle, Hutton, Jackson, Jones, Keane, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Vuckovich, Walker, Windy Boy, Wittich, Zinke, Mr. President.
Total 32

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hawks, Jent, Kaufmann, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried, Williams.
Total 18

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 90 - Senator Essmann moved **SB 90** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jones, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Windy Boy, Wittich, Zinke, Mr. President.
Total 45

Nays: Erickson, Jent, Kaufmann, Tropila, Williams.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Essmann moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Peterson in the chair. Chairman Facey moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 48

Nays: Erickson, Kaufmann.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 35 passed as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Larsen, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Steinbeisser, Stewart-Peregoy, Tutvedt, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 44

Nays: Caferro, Kaufmann, Moss, Sonju, Tropila, Van Dyk.
Total 6

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 133 passed as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 47

Nays: Erickson, Kaufmann, Van Dyk.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 173 passed as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 48

Nays: Erickson, Jackson.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Essmann moved that the Senate adjourn until 1:00 p.m., Friday, February 4, 2011. Motion carried.

Senate adjourned at 3:10 p.m.

MARILYN MILLER
Secretary of the Senate

JIM PETERSON
President of the Senate

SENATE JOURNAL
62ND LEGISLATURE
TWENTY-EIGHTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
February 4, 2011 — State Capitol

Senate convened at 1:00 p.m. President Peterson presiding. Invocation by Chaplain Keith Johnson. Pledge of Allegiance to the Flag. Roll Call. All members present. Quorum present.

SPECIAL ORDERS OF THE DAY

The Dillon Junior Fiddlers, founded by Jeannie and Sandy James, performed three songs for the Senate.

BILLS AND JOURNALS: 2/4/2011

Correctly printed: **SB 34**, **SB 90**, **SB 109**, **SB 182**, **SB 194**, **SJR 6**.
Correctly engrossed: **SB 89**, **SB 204**, **SB 223**.
Correctly enrolled: **SR 2**.
Examined by the sponsor and found to be correct: **SR 2**.
Signed by the President at 4:10 p.m., February 3, 2011: **SR 2**.
Signed by the Secretary of the Senate at 3:40 p.m., February 3, 2011: **SR 2**.
Delivered to the Secretary of State at 8:33 a.m., February 4, 2011: **SR 2**.

REPORTS OF STANDING COMMITTEES

AGRICULTURE, LIVESTOCK AND IRRIGATION (Steinbeisser, Chairman): 2/3/2011
SB 195, do pass. Report adopted.
SB 216, do pass. Report adopted.
SB 218, introduced bill, be amended as follows:

1. Title, page 1, line 5.
Following: "LAWS;"
Insert: "ALLOWING CONFIDENTIALITY;"

2. Page 2, line 4.
Following: "**procedures**"
Insert: " **-- confidentiality**"

3. Page 2, line 7.
Following: "shall"
Insert: ": (a)"
Following: "sampling"
Insert: "; (b) notify the grower that the grower may ask that the sampling be done by the department; and
(c) notify the department that a claim is being made"

4. Page 2, line 22.
Following: "claimant"
Insert: "or the grower"

5. Page 3, lines 6 and 7.
Strike: "made available" on line 6 and 7
Insert: "sent"
Following: "claimant"
Insert: "by certified mail within 30 days"

6. Page 3, line 8.
Insert: "(8) The results of all sampling and testing are confidential unless both the grower and the claimant agree to make them public."

7. Page 4, line 19.
Following: ";"
Strike: "and"

8. Page 4, line 20.
Following: "process"
Insert: "; and
(4) a sampling protocol that provides that:
(a) the standards used for the field sampling and laboratory tests meet minimum standards as requested by the claimant; and (b) samples must be submitted for testing within 10 days of the date of sampling"

And, as amended, do pass. Report adopted.

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Balyeat, Chairman): 2/4/2011
SB 256, do pass. Report adopted.

ENERGY AND TELECOMMUNICATIONS (Olson, Chairman): 2/3/2011
SB 96, introduced bill, be amended as follows:

1. Page 1, line 16.
Strike: "through (4)(d)"
Insert: "and (4)(c)"

2. Page 1, line 18.
Strike: "two"
Insert: "four"

3. Page 1, line 25.
Following: "(iii)"
Insert: "local government or"

4. Page 1, line 27 through line 28.
Strike: line 27 through line 28 in their entirety

5. Page 2, line 3.
Strike: "pursuant to 2-15-1821(4)(a)(i)"

And, as amended, do pass. Report adopted.

SB 226, introduced bill, be amended as follows:

1. Page 2.
Following: line 24
Insert: "NEW SECTION. **Section 3. Saving clause.** [This act] does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act]."
Renumber: subsequent sections

2. Page 2, line 28.
Strike: "agreements entered into"
Insert: "equipment or facilities installed"

And, as amended, do pass. Report adopted.

SB 246, do pass. Report adopted.
HB 22, be concurred in. Report adopted.

HIGHWAYS AND TRANSPORTATION (Jones, Chairman): 2/3/2011
SB 192, do pass. Report adopted.
SB 213, introduced bill, be amended as follows:

1. Title, page 1, line 4.
Strike: "PINTLAR"
Insert: "PINTLER"

2. Page 1, line 11.
Strike: "Pintlar"
Insert: "Pintler"

3. Page 1, line 12.
Strike: "Pintlar"
Insert: "Pintler"

And, as amended, do pass. Report adopted.

JUDICIARY (Murphy, Chairman): 2/4/2011
SB 15, introduced bill, be amended as follows:

1. Page 1, line 21.
Following: "offense;"
Insert: "or"

2. Page 1, line 25.
Following: "offense"
Strike: "; or"
Insert: "."

3. Page 1, line 26 through line 27.
Strike: subsection (f) in its entirety

And, as amended, do pass. Report adopted.

SB 217, introduced bill, be amended as follows:

1. Title, line 6.
Following: "APPLIES"
Insert: "ONLY"

2. Page 1, line 16.
Following: "fees."
Insert: "Only a party seeking to obtain a document or access to a public meeting is entitled to recover costs and attorney fees under this section."

And, as amended, do pass. Report adopted.

SB 238, do pass. Report adopted.
SJR 9, do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 2/3/2011

HB 152, introduced by Washburn
HB 216, introduced by Miller
HB 302, introduced by Taylor

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 266, introduced by Olson, Berry, referred to Taxation.
SB 267, introduced by Vincent, referred to Natural Resources.
SB 268, introduced by Balyeat, Essmann, Priest, Hinkle, Jackson, Vincent, Murphy, Arthun, Sonju, Buttrey, Brown, Stahl, Harris, Ripley, Walker, Klock, Skees, Tutvedt, Blasdel, Hale, Moore, Hendrick, Clark, Brenden, Salomon, McGillvray, Knox, Loney, Cuffe, Greef, Rosendale, Brodehl, Ehli, Skattum, Olson, McNiven, Vance, Burnett, Blyton, Howard, MacLaren, Welborn, Debby Barrett, Steinbeisser, O'Neil, O'Hara, Flynn, G. Bennett, Small, More, Ingraham, C. Smith, Arntzen, Read, Kerns, Warburton, Berry, Washburn, Wittich, Lewis, Roberts, Connell, Hutton, referred to Judiciary.
SB 269, introduced by Buttrey, referred to Business, Labor, and Economic Affairs.
SB 270, introduced by Wittich, Zinke, Lake, Moore, Steinbeisser, Walker, Balyeat, referred to Business, Labor, and Economic Affairs.

The following House bills were introduced, read first time, and referred to committees:

HB 59, introduced by Belcourt (by request of the Energy and Telecommunications Interim Committee), referred to Energy and Telecommunications.
HB 78, introduced by Cook (by request of the Public Service Commission), referred to Energy and Telecommunications.
HB 91, introduced by Ingraham (by request of the Secretary of State), referred to State Administration.
HB 92, introduced by Knudsen (by request of the Public Service Commission), referred to Energy and Telecommunications.
HB 117, introduced by Hunter (by request of the Department of Justice), referred to Judiciary.
HB 126, introduced by Hansen (by request of the Department of Justice), referred to Judiciary.
HB 167, introduced by Regier, Sonju, Olson, Lavin, Hansen, , G. Bennett, Windy Boy, Wagner, Hutton, Kerns, Jackson, McGillvray, Blyton, Warburton, Hinkle, Howard, C. Smith, Connell, Ingraham, Zinke, McNiven, , K. Peterson, Read, Knox, Miller, Skees, Brodehl, referred to Judiciary.
HB 171, introduced by Ingraham, Brown, Hinkle, referred to Highways and Transportation.
HB 191, introduced by Flynn, Miller, O'Neil, Murphy, referred to Public Health, Welfare and Safety.
HB 235, introduced by Fitzpatrick, referred to Judiciary.

MOTIONS

Senator Olson moved **SB 254** be moved from the Judiciary committee to the Energy and Telecommunications committee. Without objection, so ordered.

Senator Priest moved **SB 193** be moved from the Public Health, Welfare and Safety committee to the Judiciary committee. Without objection, so ordered.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Essmann moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Walker in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 189 - Senator Keane moved **SB 189** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 117 - Senator Hinkle moved **SB 117** do pass. Motion carried as follows:

Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 132 - Senator Essmann moved **SB 132** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 43 - Senator Keane moved **SB 43** do pass.

SB 43 - Senator Keane moved **SB 43**, second reading copy, be amended as follows:

1. Page 1, line 19.
Strike: "(3) LOST CREEK STATE PARK;"
Renumber: subsequent subsections

2. Page 1, line 21.
Strike: "(5) ACKLEY LAKE STATE PARK;"
Renumber: subsequent subsections

SB 43 - Senator Balyeat moved the amendment be divided. Without objection, so ordered.

Senator Gillan objected to the Chair's ruling and requested a vote. Motion **failed** as follows:

Yeas: Balyeat, Barrett, Brenden, Buttrey, Essmann, Facey, Hinkle, Hutton, Jackson, Jent, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Tutvedt, Vincent, Walker, Windy Boy, Wittich.
Total 25

Nays: Arthun, Augare, Blewett, Branae, Brown, Caferro, Erickson, Gallus, Gillan, Hamlett, Hawks, Jones, Kaufmann, Keane, Larsen, Moss, Steinbeisser, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Zinke, Mr. President.
Total 25

Absent or not voting: None.

Total 0

Excused: None.
Total 0

Thereupon, the amendment was divided.

SB 43 - Senator Keane moved the amendment (amendment #1–Lost Creek State Park) do pass. Thereupon, amendment #1 was adopted as follows:

Yeas: Arthun, Augare, Brown, Caferro, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jent, Jones, Keane, Lake, Larsen, Murphy, Olson, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Vuckovich, Walker, Williams, Windy Boy, Zinke, Mr. President.
Total 28

Nays: Balyeat, Barrett, Blewett, Branae, Brenden, Buttrey, Erickson, Hinkle, Jackson, Kaufmann, Lewis, Moore, Moss, Mowbray, Priest, Ripley, Shockley, Sonju, Van Dyk, Vincent, Wanzenried, Wittich.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 43 - Senator Keane moved the amendment (amendment #2–Ackley Lake State Park) do pass. Thereupon, amendment #2 was adopted as follows:

Yeas: Arthun, Augare, Branae, Brenden, Brown, Buttrey, Caferro, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jent, Jones, Keane, Lake, Larsen, Lewis, Mowbray, Murphy, Olson, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Williams, Windy Boy, Zinke, Mr. President.
Total 35

Nays: Balyeat, Barrett, Blewett, Erickson, Hinkle, Jackson, Kaufmann, Moore, Moss, Priest, Ripley, Shockley, Van Dyk, Wanzenried, Wittich.
Total 15

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 43 - Senator Keane moved **SB 43**, as amended, do pass. Motion carried as follows:

Yeas: Arthun, Augare, Barrett, Branae, Brenden, Brown, Buttrey, Caferro, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Jones, Keane, Larsen, Moore, Moss, Murphy, Olson, Priest, Ripley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Vincent, Vuckovich, Walker, Williams, Windy Boy, Zinke, Mr. President.
Total 34

Nays: Balyeat, Blewett, Erickson, Essmann, Hinkle, Hutton, Jackson, Kaufmann, Lake, Lewis, Mowbray, Shockley, Tutvedt, Van Dyk, Wanzenried, Wittich.
Total 16

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 3 - Senator Hawks moved **SB 3** do pass.

SB 3 - Senator Lake moved **SB 3**, second reading copy, be amended as follows:

1. Page 2, line 2.
Following: "system"
Insert: "on the first Tuesday in February of every even-numbered year"

2. Page 3, line 29.
Following: "~~22-3-422(6)~~"
Insert: "on the first Tuesday in February of every even-numbered year"

3. Page 3, line 29 through line 30.
Following: "information"
Strike: "ON OR" on line 29 through "LEGISLATURE" on line 30

Amendment adopted as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Moore, Moss, Mowbray, Murphy, Olson, Priest, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 43

Nays: Brenden, Brown, Hinkle, Lewis, Ripley, Sonju, Wittich.
Total 7

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 3 - Senator Hawks moved **SB 3**, as amended, do pass. Motion carried as follows:

Yeas: Arthun, Augare, Blewett, Branae, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Moore, Moss, Mowbray, Murphy, Olson, Priest, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 39

Nays: Balyeat, Barrett, Brenden, Hinkle, Jackson, Lewis, Ripley, Shockley, Sonju, Steinbeisser, Vincent.
Total 11

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Essmann moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Peterson in the chair. Chairman Walker moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Wanzenried, Windy Boy, Wittich, Zinke, Mr. President.
Total 46

Nays: Balyeat, Kaufmann, Van Dyk, Williams.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 90 passed as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 47

Nays: Erickson, Kaufmann, Tropila.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 109 passed as follows:

Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Gallus, Hamlett, Hinkle, Hutton, Jackson, Jones, Keane, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Vuckovich, Walker, Windy Boy, Wittich, Zinke, Mr. President.
Total 33

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gillan, Hawks, Jent, Kaufmann, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried, Williams.
Total 17

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 201 passed as follows:

Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Gallus, Hamlett, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley,

Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wanzenried, Wittich, Zinke, Mr. President.
Total 31

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gillan, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Williams, Windy Boy.
Total 19

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJR 6 adopted as follows:

Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Gallus, Gillan, Hamlett, Hinkle, Hutton, Jackson, Jones, Keane, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Vuckovich, Walker, Windy Boy, Wittich, Zinke, Mr. President.
Total 34

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Hawks, Jent, Kaufmann, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried, Williams.
Total 16

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Committee meetings were announced by the committee chairs.

Majority Leader Essmann moved that the Senate adjourn until 8:00 a.m., Saturday, February 5, 2011. Motion carried.

Senate adjourned at 3:09 a.m.

MARILYN MILLER
Secretary of the Senate

JIM PETERSON
President of the Senate

SENATE JOURNAL
62ND LEGISLATURE
TWENTY-NINTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
February 5, 2011 — State Capitol

Senate convened at 8:00 a.m. President Peterson presiding. Invocation by Chaplain Keith Johnson. Pledge of Allegiance to the Flag. Roll Call. All members present, except Senator Larsen, excused. Quorum present.

BILLS AND JOURNALS: 2/5/2011

Correctly printed: **SB 117**, **SB 132**, **SB 189**, **SB 192**, **SB 195**, **SB 216**, **SB 238**, **SB 246**, **SB 256**, **HB 22**, **SJR 9**.
Correctly engrossed: **SB 3**, **SB 15**, **SB 43**, **SB 96**, **SB 213**, **SB 217**, **SB 218**, **SB 226**.

REPORTS OF STANDING COMMITTEES

LOCAL GOVERNMENT (Sonju, Chairman): 2/4/2011
SB 222, do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 2/4/2011

HB 99, introduced by Ingraham
HB 180, introduced by Edmunds
HB 254, introduced by Vance
HB 272, introduced by Flynn

MOTIONS

Senator Essmann moved the Republicans caucus. Without objection, so ordered.

Senator Williams moved the Democrats caucus. Without objection, so ordered.

Senate recessed.

Senate reconvened.

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 271, introduced by Gallus, referred to Finance and Claims.

SB 272, introduced by Murphy, Arntzen, Steinbeisser, Windy Boy, Roberts, Moss, Klock, Pease-Lopez, F. Smith, K. Peterson, Belcourt, Jackson, Essmann, Evans, Augare, Hutton, Read, referred to Business, Labor, and Economic Affairs.
SB 273, introduced by C. Williams, referred to Taxation.
SB 274, introduced by Lake, referred to Taxation.
SB 275, introduced by Zinke, referred to Business, Labor, and Economic Affairs.
SB 276, introduced by Facey, referred to Judiciary.
SB 277, introduced by Moore, Brown, referred to Agriculture, Livestock and Irrigation.
SB 278, introduced by Mowbray, Sonju, Vincent, Buttrey, Larsen, Welborn, Tutvedt, Reinhart, Hollenbaugh, Blasdel, referred to Highways and Transportation.

The following House bills were introduced, read first time, and referred to committees:

HB 101, introduced by MacDonald (by request of the Department of Natural Resources and Conservation), referred to Natural Resources.
HB 107, introduced by Hollenbaugh (by request of the Department of Natural Resources and Conservation), referred to Taxation.
HB 169, introduced by Klock, referred to Energy and Telecommunications.
HB 172, introduced by Washburn, referred to Fish and Game.
HB 178, introduced by Howard, O'Hara, Salomon, O'Neil, Miller, Ingraham, Loney, Vance, Wagner, Knox, Lavin, Skees, Yates, MacLaren, Randall, Roberts, Blasdel, referred to Highways and Transportation.
HB 182, introduced by Arntzen, referred to Education and Cultural Resources.
HB 187, introduced by Connell, Howard, Regier, Hale, Flynn, referred to Highways and Transportation.
HB 208, introduced by Welborn, McChesney, Ankney, O'Hara, Debby Barrett, referred to Education and Cultural Resources.
HB 210, introduced by McChesney, referred to Highways and Transportation.
HB 225, introduced by Welborn, referred to Fish and Game.
HB 229, introduced by McNutt, referred to Highways and Transportation.
HB 233, introduced by O'Hara, referred to Energy and Telecommunications.
HB 259, introduced by Loney, Cuffe, Evans, Regier, Stahl, referred to Highways and Transportation.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Essmann moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Sonju in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SJR 8 - Senator Hawks moved **SJR 8** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brown, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Lewis, Moore, Moss, Mowbray, Murphy, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 39

Nays: Balyeat, Brenden, Buttrey, Hinkle, Olson, Priest, Ripley, Shockley, Walker, Wittich.
Total 10

Absent or not voting: None.
Total 0

Excused: Larsen.
Total 1

SB 34 - Senator Essmann moved **SB 34** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Larsen.
Total 1

SB 149 - Senator Essmann moved **SB 149** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 47

Nays: Kaufmann, Moss.

Total 2

Absent or not voting: None.
Total 0

Excused: Larsen.
Total 1

SB 151 - Senator Brown moved **SB 151** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Branae, Brenden, Brown, Buttrey, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jent, Jones, Lake, Lewis, Moore, Moss, Mowbray, Murphy, Priest, Ripley, Shockley, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 34

Nays: Barrett, Blewett, Caferro, Erickson, Essmann, Jackson, Kaufmann, Keane, Olson, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich.
Total 15

Absent or not voting: None.
Total 0

Excused: Larsen.
Total 1

SB 153 - Senator Jent moved **SB 153** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 48

Nays: Caferro.
Total 1

Absent or not voting: None.
Total 0

Excused: Larsen.
Total 1

SB 180 - Senator Sonju moved consideration of **SB 180** be placed at the bottom of the second reading board. Motion carried.

SB 172 - Senator Lake moved **SB 172** do pass.

SB 172 - Senator Zinke moved **SB 172**, second reading copy, be amended as follows:

1. Page 4.
Following: line 24
Insert: "(m) battery energy storage systems manufactured or produced from materials from a source in the United States that are owned and operated by an electrical energy storage producer, electrical energy producer, or energy trading entity or by the owner or operator of an electrical vehicle charging site;"

Page 5, line 1
Strike: "(i)(s)"
Insert: "(1)(t)"

Page 5, line 27
Strike: "(1)(y)"
Insert: "(1)(z)"

Page 7, line 22
Strike: "(1)(w), ~~(1)(t)~~ (1)(x), or ~~(1)(u)~~ (1)(y)"
Insert: "(1)(x), (1)(y), or (1)(z)"

Page 7, lines 24 and 25
Strike: "(1)(w), ~~(1)(t)~~ (1)(x), or ~~(1)(u)~~ (1)(y)"
Insert: "(1)(x), (1)(y), or (1)(z)

Renumber: subsequent subsections

Amendment adopted as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 48

Nays: Vincent.
Total 1

Absent or not voting: None.

Total 0

Excused: Larsen.
Total 1

SB 172 - Senator Lake moved **SB 172**, as amended, do pass. Motion carried as follows:

Yeas: Brenden, Brown, Caferro, Erickson, Facey, Gallus, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Keane, Lake, Lewis, Mowbray, Murphy, Olson, Ripley, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 29

Nays: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Buttrey, Essmann, Gillan, Hinkle, Kaufmann, Moore, Moss, Priest, Shockley, Sonju, Van Dyk, Vincent, Walker, Wittich.
Total 20

Absent or not voting: None.
Total 0

Excused: Larsen.
Total 1

SB 176 - Senator Hutton moved **SB 176** do pass. Motion carried as follows:

Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 21

Absent or not voting: None.
Total 0

Excused: Larsen.
Total 1

SB 194 - Senator Brenden moved **SB 194** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent,

Jones, Kaufmann, Keane, Lake, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Wittich, Zinke, Mr. President.
Total 47

Nays: Tropila, Windy Boy.
Total 2

Absent or not voting: None.
Total 0

Excused: Larsen.
Total 1

Senator Tutvedt assumed the chair.

SB 180 - Senator Sonju moved **SB 180** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Barrett, Branae, Brenden, Brown, Buttrey, Essmann, Facey, Gallus, Gillan, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Sonju, Steinbeisser, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 41

Nays: Balyeat, Blewett, Caferro, Erickson, Hamlett, Kaufmann, Shockley, Stewart-Peregoy.
Total 8

Absent or not voting: None.
Total 0

Excused: Larsen.
Total 1

Senator Essmann moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Peterson in the chair. Chairman Sonju moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wittich, Zinke, Mr. President.
Total 43

Nays: Erickson, Kaufmann, Stewart-Peregoy, Wanzenried, Williams, Windy Boy.
Total 6

Absent or not voting: None.
Total 0

Excused: Larsen.
Total 1

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 117 passed as follows:

Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Paired: Brown, Aye; Larsen, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 132 passed as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Larsen.
Total 1

SB 189 passed as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Larsen.
Total 1

Senator Windy Boy questioned the vote of excused Senator Larsen on **SB 117**. President Peterson clarified that Senator Brown and Senator Larsen were voting pairs.

SPECIAL ORDERS OF THE DAY

Senator Brown thanked the pages for their work during the week of January 31-February 5, 2011.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Essmann moved that the Senate adjourn until 1:00 p.m., Monday, February 7, 2011. Motion carried.

Senate adjourned at 10:14 a.m.

MARILYN MILLER
Secretary of the Senate

JIM PETERSON
President of the Senate

SENATE JOURNAL
62ND LEGISLATURE
THIRTIETH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
February 7, 2011 — State Capitol

Senate convened at 1:00 p.m. President Peterson presiding. Invocation by Chaplain Keith Johnson. Pledge of Allegiance to the Flag. Roll Call. All members present, except Senator Vuckovich, Balyeat, Jones, excused. Quorum present.

SPECIAL ORDERS OF THE DAY

President Peterson introduced Noemi Ban, an 88-year-old survivor of the Auschwitz-Birkenau concentration camp during World War II. Ms. Ban lost her mother, grandmother, 13-year-old sister, and 6-month-old baby brother at the German Camp.

The Senate welcomed Ms. Ban to the Senate.

MOTIONS

Senator Essmann moved that the Senate recess and proceed to the House of Representatives for the purpose of receiving an address by the Honorable Congressman from the State of Montana, Denny Rehberg. Upon adjournment of the joint session, the Senate will reconvene at 2:00 p.m.

The Senate recessed and proceeded to the House of Representatives.

President Peterson assumed the chair.

Senator Essmann moved that the President be authorized to appoint a committee of four to notify Congressman Denny Rehberg that the House and Senate were in joint session and ready to receive his address. Motion carried. President Peterson appointed Senator Brenden, Senator Larsen, Representative More, and Representative Reinhart. The committee was discharged to escort Congressman Rehberg into the House chambers. The committee escorted Congressman Rehberg to the rostrum.

Thank you, Speaker Milburn and President Peterson. Addressing the Montana Legislature is always a high honor for me and also a bit of a homecoming.

I look around this Chamber and I see a lot of my old friends and former colleagues. Your faces remind me of all the ways we have worked together to serve the people of Montana - and make sure our state remains a great place to start a small business or to raise a big family!

Of course, it's good to see a lot of new faces out there as well! Congratulations to all of you who have taken your seats in this Legislature for the first time. Last November, people across Montana and across America spoke with a clear voice. Today, they speak through your voices.

I know you will never forget what an honor it is to serve our state. On January 5 of this year, I took an Oath of Office myself once again. As in this Chamber, there were a lot of new faces as well. Like today, there was a man who was new to the title of "Speaker" but who wore it very well!

The Oath I took was to support and defend the Constitution of the United States and to "well and faithfully discharge" the duties of my office. My purpose today is to share with all of you how I propose that the new Congress and this new Legislature can work together effectively and live up to our Oaths together.

As you know, there are two basic visions of how the federal government should be in relationship with the states and rarely in American history has the difference between those visions been more obvious. One vision, paternalism, has been guiding the power brokers in Washington over the last two years:

It's the idea that the federal government knows best; it's the idea that state legislators like you need to be told what to do; it's the idea that the American people just need to shut up and let the "experts" do their thing.

I, for one, am glad that the American people did not shut up; and I'm glad they have rejected the insufferable arrogance that they saw coming out of Washington, DC.

The American people showed they believe in the second vision which is called states' rights. It's the idea that the people are the experts and that the best government is self-government; it's the idea that the states created the federal government not the other way around and that states like Montana remain the best "laboratories of democracy" in the entire world. It's the idea that Washington has important responsibilities but limited powers, and that when Washington tries to do too much, most of the time it tends to screw things up.

Like most Americans, I believe that states' rights is the right vision. Why? One reason is that our founders got a lot of things right. One of them, James Madison, wrote in the Federalist Papers that "The powers delegated by the proposed Constitution to the federal government are few and defined. Those which are to remain in the State governments are numerous and indefinite."

Another Founder, Thomas Jefferson, wrote this: "The several states composing the United States of America are not united on the principle of unlimited submission to their general government;" Madison and Jefferson were smart guys - but I say: if you want to understand the wisdom of states' rights, you don't need to read about it in a history book; you can see it - right here in the assembled representatives of the Montana Legislature.

As members of the Montana Legislature, you represent the character and vitality of our great state. Some of you are job creators and running your own small businesses; some of you are public school teachers - and helping our children realize their full potential; others work in health care, energy, and other fields where technology is creating opportunities that our parents never dreamed of; I see a few fellow parents in this Chamber by the way - and a few grandparents as well.

All of you have one thing in common: every single one of you is a citizen-legislator. The taxes you raise you will have to pay; the regulations you impose, you will have to comply with. You don't have to visit your constituents - you are your constituents: and your perspective will guide you to govern well.

My job as your Congressman is to defend the states' rights principle in Washington. That means focusing on the core responsibilities of the federal government; that means getting Washington off the backs of our people - as well as legislators like you in state capitals across America; and that means ending federal management of the gray wolf population here in Montana.

Unfortunately, the only thing growing faster than the gray wolf population is the number of obstructionist environmental groups and their lawyers. Environmental obstructionists found a federal judge in Missoula that was willing to ignore the scientific evidence as well as the expert opinions of on-the-ground wildlife managers here in Montana. And he ruled last August that the grey wolf had to remain on the Endangered Species List.

When I first heard his decision, like many of you, I wanted to take action immediately. I asked: How can we put some of these judicial activists on the Endangered Species List? I am still working on that! But in the meantime, I have introduced legislation that would permanently end federal jurisdiction over the gray wolf population - and return responsibility to the wildlife managers here in Montana.

By the way, I am glad to hear that Senator Baucus supports the federalist principle when it comes to the gray wolf population. I understand he told this Chamber a few weeks ago that: "Montanans, not Washington bureaucrats, know best how to manage wolves." That was well said. But I wonder when he's going to figure out that Montanans, not Washington bureaucrats, know best how to manage our own health care too!

You don't need me to tell you that the new federal health care law is one of the biggest affronts to states' rights in American history. Some Americans call this law "ObamaCare." But two federal judges have now called it "unconstitutional."

We knew some of the bad news on the front end: It's got half a trillion dollars in higher taxes; Another half trillion in cuts to Medicare; and thousands of pages of red tape.

But somehow the more we learn about the new health care law, the less there is to like. We have discovered that the new law imposed a huge burden of paperwork on small businesses by requiring them to submit countless "1099 Forms" to the IRS. We have heard that the employer mandate is so onerous that it may be cheaper for some employers to just pay the fine and eliminate health insurance coverage for their current employees. We have seen how the Obama Administration has granted "waivers" from its own health care law for more than 700 organizations a lot of them unions and the big dogs who can afford to hire the best-dressed lobbyists in Washington. And legislators like you have learned the full extent of the unfunded mandate imposed through the expansion of the Medicaid program which in our state is estimated to blow a hole in our state budget of more than $100 million through 2019.

I appreciate that the Supreme Court may ultimately declare the health care bill unconstitutional. I certainly hope they do so if it comes to that as a matter of law. But Congress passed this law, so Congress can repeal it. And on January 19th, I was proud to stand with 244 of my colleagues as we voted to repeal this terrible law. Unfortunately, we can't repeal the failed stimulus bill or all the other reckless federal spending over the last two years because the money's already out the door. You all know the numbers: the federal budget deficit this year will be over one trillion dollars for the third straight year, according to the nonpartisan Congressional Budget Office; Washington now borrows more than 40 cents of every dollar we spend; and our federal debt has grown to an unbelievable 14 trillion dollars.

All this spending has been unsuccessful because it didn't keep our national unemployment rate below 8 percent as the White House promised. And a lot of this spending has been just plain dumb: the Obama Administration sent about 89,000 stimulus checks to dead people; the stimulus bill also included: $1.9 million for international ant research; $700,000 to study why monkeys respond negatively to inequity; and nearly $200,000 to study voter perceptions of the stimulus bill itself!

Here in Montana, we were promised that millions of stimulus dollars would go to the Whitetail Port of Entry until the Canadians decided that 5 vehicles a day wasn't worth their own taxpayer dollars and decided to close their side. And in what has to be the most ironic earmark of them all the omnibus spending bill that was blocked in the Senate right before Christmas included more than $700,000 to compensate ranchers in Wisconsin, Minnesota, and Michigan whose cattle are eaten by–you guessed it--endangered wolves!

But the biggest travesty of Washington's stimulus spending spree is not that it was a waste of money; it's that the money has been stolen in plain sight from our children and grandchildren. Every dollar of the national debt is a dollar our children will not have the freedom to spend or to save for themselves. Every paycheck they receive will be smaller; their family budgets tighter, not because they chose to send their hard-earned money to Washington but because Washington took it and spent it before they even earned it--before they even got a chance to vote--for many of our children, before they were even born! This is what "taxation without representation" looks like in the 21st Century. And, it means our nation's fiscal mess is not just a math problem, it's a moral problem and we owe our children much better leadership.

The new majority in the House of Representatives believes we need to face our spending problem head-on--and that's why we unanimously voted to ban all earmarks in the 112th Congress. I stand before you as a reformed earmarker; I know this reform is long overdue; and I know it's just the first step we needed to take to get back on the path of fiscal discipline. More difficult spending decisions lie ahead and I will help lead this effort as Chairman of the Appropriations Subcommittee for Labor, Health and Human Services, and Education. This is the subcommittee that has the power to end funding for ObamaCare. It's the subcommittee with major responsibilities for entitlement reform.

My colleagues and I will help re-establish fiscal discipline in Washington but that doesn't mean the battle for states' rights is over. Instead, we can already see the battle shifting: from the halls of the Capitol to the layers of federal bureaucracy that are imposing huge new regulatory burdens on

the American people. And even when Congress hasn't given federal agencies more power, they've taken it anyway: when Congress didn't pass the disastrous "cap and trade" bill, the Environmental Protection Agency said: no problem! We'll just reclassify carbon dioxide - that's the stuff you and I are exhaling right this very minute as a "pollutant" that they now can regulate under the Clean Air Act.

And last week, the EPA claimed that it now has jurisdiction over spilled milk. I am not making this up. You see, Congress gave the agency responsibility over oil spills - which makes sense. But someone told them that milk contains animal fat - which is a form of non-petroleum oil. And … well you get the picture. The impact on Montana's dairy farmers could be severe not to mention surreal. They may soon have to develop "emergency management plans" for spilled milk - as well as train "first responders." I say: If anyone wants a "first responder" for spilled milk, just adopt a cat!

Here's another example of regulatory overreach that hits us close to home here in Montana. A lot of us were surprised to learn that the Obama Administration developed a secret plan in the Interior Department to take over millions of acres of our state by declaring them a "national monument." To borrow a phrase from President Obama: "Let me be clear." No additional national monuments should be created in our state without input from the people of Montana and the approval of Congress. I've introduced legislation to stop federal bureaucrats from abusing their regulatory powers and I assure you I will be on high alert for any other power grabs that could impact our state.

As I'm fighting the battle for states' rights in Washington, I encourage all of you to continue to make the case for good government here in Helena. I implore you: keep the pressure on us in Congress. Show us how the new health care law is busting the state budget and don't make it any easier for it to be implemented in our state.

Don't wait on Congress to send a balanced budget amendment to the states for ratification: instead, send a petition to Congress to force us to call a constitutional convention if we fail to act! And continue to pass resolutions to call attention to our broken immigration system and other ways the federal government is failing the people of Montana.

By far the best thing you can do is to continue to be one of the best performing "laboratories of democracy" in America: by keeping government spending and taxes under control; by making sure Montana remains a great place to build a business and raise a family; by showing that Montana doesn't have a lot to learn from Washington though we do have a lot of commonsense solutions to share.

I believe over the next several years we will witness the implosion of the "paternalistic" model of government: California has doubled down on its high tax, high regulation experiment with big government. Illinois just raised personal income taxes by 66 percent! Our state has a tremendous opportunity: to present itself as the compelling contrast to these failed models; to help restore faith in limited government and to prove the wisdom of states' rights.

Conclusion: Honor the Troops

Whatever happens over the next 90 days and during your entire term in office, I hope you will remember to be humble in your public service as I am: None of us are perfect creatures in the sight of God - but all of us are made in His image - and our oaths call us to live and lead by His example of love and self-sacrifice. Also remember that our freedom isn't free. Even as we speak, Montanans are defending liberty in far-off places that are full of danger. Everybody says to pray for our troops - and of course we all should. But we should also try to see America - and our beloved Montana - as our troops see it: a place well worth defending; Because it remains a land of promise.

God bless you all and God Bless the Great State of Montana.

The committee escorted Congressman Rehberg and honored guests from the Joint session.

Senator Essmann moved that the Joint session be adjourned. Motion carried.

The Joint Session adjourned.

Senate reconvened at 1:41.

BILLS AND JOURNALS: 2/7/2011

Correctly printed: **SB 34**, **SB 149**, **SB 151**, **SB 153**, **SB 176**, **SB 180**, **SB 194**, **SB 222**, **SJR 8**.
Correctly engrossed: **SB 172**.

LEGISLATIVE ADMINISTRATION (Brown, Chairman): 2/7/2011
MR. PRESIDENT:
We, your committee on Legislative Administration recommend that employment of the following attaches of the Senate be terminated as of 12:00 p.m., Saturday, February 5, 2011:

TITLE	NAME
Pages:	Lee Barbisan, Bozeman
	Cheyenne Cole, Dixon
	Becca Harper, Helena
	Sarah Rice, Miles City

and recommend that the following attaches of the Senate be employed as of 8:00 a.m., Monday, February 7, 2011:

TITLE	NAME
Pages:	Anna Williams, Bozeman
	Catherine Alvernaz, Glasgow
	Lauren Buechler, Malta
	Hailey Muller, Billings

Jeanne Breakall, Twin Bridges
Jessica Davis, Choteau

Report Adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 2/5/2011

HB 123, introduced by McClafferty
HB 185, introduced by Berry
HB 211, introduced by Ingraham
HB 212, introduced by Ingraham
HB 294, introduced by Cook
HB 298, introduced by McNutt

MOTIONS

Senator Hawks moved to take **SB 86** from the table in the Natural Resources committee and be placed on second reading on Thursday, Feb. 10, 2011. Motion **failed** as follows:

Yeas: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Nays: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 27

Absent or not voting: None.
Total 0

Excused: Jones.
Total 1

Senator Wanzenried moved to suspend the Rules to allow the late introduction of a bill. Motion **failed** as follows:

Yeas: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Nays: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 27

Absent or not voting: None.
Total 0

Excused: Jones.
Total 1

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Essmann moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Kaufmann in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 182 - Senator Van Dyk moved **SB 182** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hinkle, Hutton, Jackson, Jent, Kaufmann, Keane, Larsen, Lewis, Moss, Murphy, Olson, Priest, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 43

Nays: Barrett, Lake, Moore, Mowbray, Ripley.
Total 5

Absent or not voting: Hawks.
Total 1

Excused: Jones.
Total 1

SB 192 - Senator Erickson moved **SB 192** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Kaufmann, Keane, Lake, Larsen, Lewis, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

Total 46

Nays: Moore, Steinbeisser, Wittich.
Total 3

Absent or not voting: None.
Total 0

Excused: Jones.
Total 1

SB 204 - Senator Blewett moved **SB 204** do pass. Motion carried as follows:

Yeas: Augare, Balyeat, Barrett, Blewett, Branae, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Kaufmann, Keane, Lake, Larsen, Moss, Murphy, Olson, Priest, Ripley, Shockley, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Windy Boy, Mr. President.
Total 39

Nays: Arthun, Brenden, Lewis, Moore, Mowbray, Sonju, Steinbeisser, Walker, Wittich, Zinke.
Total 10

Absent or not voting: None.
Total 0

Excused: Jones.
Total 1

SB 213 - Senator Vuckovich moved **SB 213** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 48

Nays: Ripley.
Total 1

Absent or not voting: None.
Total 0

Excused: Jones.
Total 1

SB 216 - Senator J. Peterson moved **SB 216** do pass. Motion carried as follows:

Yeas: Arthun, Balyeat, Barrett, Branae, Brenden, Brown, Buttrey, Essmann, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Keane, Lake, Lewis, Moore, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Vuckovich, Walker, Wittich, Zinke, Mr. President.
Total 34

Nays: Augare, Blewett, Caferro, Erickson, Facey, Kaufmann, Larsen, Moss, Mowbray, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried, Williams, Windy Boy.
Total 15

Absent or not voting: None.
Total 0

Excused: Jones.
Total 1

SB 218 - Senator Steinbeisser moved **SB 218** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Jones.
Total 1

SB 238 - Senator Blewett moved **SB 238** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Jones.
Total 1

SB 256 - Senator Gillan moved **SB 256** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Jones.
Total 1

Senator Essmann moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Peterson in the chair. Chairman Kaufmann moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Jones.
Total 1

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 3 passed as follows:

Yeas: Arthun, Augare, Blewett, Branae, Brown, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jent, Kaufmann, Keane, Lake, Larsen, Moore, Moss, Mowbray, Murphy, Olson, Priest, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 36

Nays: Balyeat, Barrett, Brenden, Buttrey, Hinkle, Jackson, Lewis, Ripley, Shockley, Sonju, Vincent, Walker, Wittich.
Total 13

Absent or not voting: None.
Total 0

Excused: Jones.
Total 1

SB 34 passed as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Jones.
Total 1

SB 43 passed as follows:

Yeas: Arthun, Augare, Branae, Brenden, Brown, Buttrey, Caferro, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jent, Keane, Lake, Larsen, Lewis, Moore, Moss,

Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Williams, Windy Boy, Zinke, Mr. President.
Total 39

Nays: Balyeat, Barrett, Blewett, Erickson, Jackson, Kaufmann, Mowbray, Van Dyk, Wanzenried, Wittich.
Total 10

Absent or not voting: None.
Total 0

Excused: Jones.
Total 1

SB 149 passed as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Keane, Lake, Larsen, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Windy Boy, Wittich, Zinke, Mr. President.
Total 44

Nays: Caferro, Erickson, Kaufmann, Moss, Williams.
Total 5

Absent or not voting: None.
Total 0

Excused: Jones.
Total 1

SB 151 passed as follows:

Yeas: Arthun, Augare, Balyeat, Branae, Brenden, Brown, Buttrey, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jent, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Stewart-Peregoy, Tropila, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 38

Nays: Barrett, Blewett, Caferro, Erickson, Essmann, Jackson, Kaufmann, Sonju, Steinbeisser, Tutvedt, Wittich.
Total 11

Absent or not voting: None.

Total 0

Excused: Jones.
Total 1

SB 153 passed as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 48

Nays: Caferro.
Total 1

Absent or not voting: None.
Total 0

Excused: Jones.
Total 1

SB 176 passed as follows:

Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 27

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Absent or not voting: None.
Total 0

Excused: Jones.
Total 1

SB 180 passed as follows:

Arthun, Augare, Barrett, Branae, Brenden, Brown, Buttrey, Essmann, Facey, Gallus, Gillan, Hawks, Hinkle, Hutton, Jackson, Jent, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray,

Murphy, Olson, Priest, Ripley, Sonju, Steinbeisser, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 41

Nays: Balyeat, Blewett, Caferro, Erickson, Hamlett, Kaufmann, Shockley, Stewart-Peregoy.
Total 8

Absent or not voting: None.
Total 0

Excused: Jones.
Total 1

SB 194 passed as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Wittich, Zinke, Mr. President.
Total 47

Nays: Tropila, Windy Boy.
Total 2

Absent or not voting: None.
Total 0

Excused: Jones.
Total 1

SJR 8 passed as follows:

Yeas: Augare, Blewett, Branae, Brown, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jent, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Stewart-Peregoy, Tropila, Tutvedt, Vincent, Vuckovich, Wanzenried, Williams, Windy Boy, Mr. President.
Total 31

Nays: Arthun, Balyeat, Barrett, Brenden, Buttrey, Essmann, Hinkle, Jackson, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Van Dyk, Walker, Wittich, Zinke.
Total 18

Absent or not voting: None.
Total 0

Excused: Jones.
Total 1

SPECIAL ORDERS OF THE DAY

Senator Brown introduced the pages for the week of February 7-12, 2011.

Senator Essmann commemorated Past-President Ronald Reagan's 100th Birthday on February 6, 2011.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Essmann moved that the Senate adjourn until 1:00 p.m., Tuesday, February 8, 2011. Motion carried.

Senate adjourned at 2:52 a.m.

MARILYN MILLER
Secretary of the Senate

JIM PETERSON
President of the Senate

SENATE JOURNAL
62ND LEGISLATURE
THIRTY-FIRST LEGISLATIVE DAY

Helena, Montana — Senate Chambers
February 8, 2011 — State Capitol

Senate convened at 1:00 p.m. President Peterson presiding. Invocation by Chaplain Keith Johnson. Pledge of Allegiance to the Flag. Roll Call. All members present, except Senator Jones, excused. Quorum present.

BILLS AND JOURNALS: 2/8/2011

Correctly printed: **SB 182**, **SB 192**, **SB 204**, **SB 213**, **SB 216**, **SB 218**, **SB 238**, **SB 256**.

REPORTS OF STANDING COMMITTEES

LOCAL GOVERNMENT (Sonju, Chairman): 2/7/2011
SB 248, introduced bill, be amended as follows:

1. Title, line 5.
Strike: "FIVE-MEMBER"
Following: "BOARD"
Insert: "WITH THE NUMBER OF MEMBERS OVER THREE TO BE DETERMINED BY THE COUNTY"

2. Title, line 6.
Strike: "FIVE-MEMBER"
Following: "BOARDS"
Insert: "OF MORE THAN THREE MEMBERS"
Following: ","
Insert: "ONLY"

3. Page 1, line 13.
Strike: "three-member <u>or five-member</u>"
Following: ", with"
Insert: "a minimum of three members and with"

4. Page 1, line 27.
Strike: "<u>five</u>"
Insert: "more than three"

And, as amended, do pass. Report adopted.

NATURAL RESOURCES (Barrett, Chairman): 2/7/2011
SB 233, introduced bill, be amended as follows:

1. Page 2, line 1.
Following: "public"
Insert: "and public officials"

2. Page 5, line 3.
Following: "(2)"
Strike: "An"
Insert: "(a) Except as provided in subsection (2)(b), an"

3. Page 5.
Following: line 5
Insert: "(b) An environmental review conducted pursuant to subsection (1) may include a review of actual or potential impacts beyond Montana's borders if it is conducted by:

(i) the department of fish, wildlife, and parks for the management of wildlife;

(ii) an agency reviewing an application for a project that is not a state-sponsored project to the extent that the review is required by law, rule, or regulation; or

(iii) by a state agency and a federal agency to the extent the review is required by the federal agency."

4. Page 9, line 12.
Following: "itself."
Insert: "The term includes alternatives required pursuant to Title 75, chapter 20."

5. Page 10, line 12.
Following: "(ii)"
Insert: "except as provided in subsection (8)(b)(i)(D),"

6. Page 10, line 14.
Following: "(iii)"
Insert: "except as provided in subsection (8)(b)(i)(D),"

7. Page 10, line 17.
Following: "licenses,"
Insert: "leases, easements, grants, loans,"

8. Page 10, line 21.
Strike: "Title"
Insert: "Titles 76, 77, 82, and"

And, as amended, do pass. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Priest, Chairman): 2/7/2011
SB 210, do pass. Report adopted.

STATE ADMINISTRATION (Shockley, Chairman): 2/7/2011
SB 247, do pass. Report adopted.

MOTIONS

Mr. President, I move that the following undersigned name be **REMOVED** as sponsor to **SB 185**
Motion carried.

SB 185 (Wanzenried Chief Sponsor)
Senator Wanzenried, Read.

MESSAGES FROM THE OTHER HOUSE

HB 292, introduced by Kennedy, requiring adoption by an affirmative roll call vote of two-thirds of all the members of the Legislature, passed the House and was transmitted to the Senate with the following vote:

2/5/2011

Yeas - 63
Nays - 32

House bills passed and transmitted to the Senate for concurrence: 2/7/2011

HB 198, introduced by K. Peterson
HB 261, introduced by Rosendale
HB 319, introduced by McNutt

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 279, introduced by Jackson, Shockley, Wagner, Regier, K. Peterson, Kerns, O'Neil, Gallus, Brown, Blyton, Hutton, Randall, Balyeat, Flynn, Warburton, Edmunds, Small, Skees, Hale, C. Smith, Priest, Hinkle, Skattum, Osmundson, More, Miller, Blasdel, Sonju, referred to Judiciary.
SB 280, introduced by Brown, referred to Education and Cultural Resources.
SB 281, introduced by Brown, referred to Taxation.
SB 282, introduced by Lewis, Windy Boy, Olson, Essmann, Stewart-Peregoy, Small, O'Hara, Klock, referred to Taxation.
SB 283, introduced by Essmann, referred to Local Government.
SB 284, introduced by Blewett, Van Dyk, referred to State Administration.
SB 285, introduced by Olson, referred to Energy and Telecommunications.
SB 286, introduced by Olson, referred to Natural Resources.
SB 287, introduced by Keane, referred to Business, Labor, and Economic Affairs.

The following Senate joint resolution was introduced, read first time, and referred to committee:

SJR 11, introduced by J. Peterson, Essmann, Milburn, McGillvray, referred to Education and Cultural Resources.

The following House bills were introduced, read first time, and referred to committees:

HB 20, introduced by Hendrick, Lavin (by request of the Law and Justice Interim Committee), referred to Local Government.
HB 64, introduced by Stahl (by request of the Legislative Audit Committee), referred to State Administration.
HB 80, introduced by Arntzen (by request of the Department of Labor and Industry), referred to Business, Labor, and Economic Affairs.
HB 95, introduced by McNutt (by request of the Department of Labor and Industry), referred to Judiciary.
HB 106, introduced by Lavin, Brodehl, Hiner, Hollenbaugh, Howard, Menahan, O'Neil , K. Peterson, Regier, Reichner, Skees, Taylor, Augare, Blewett, Buttrey, Jackson, Olson, Sonju, Vincent, Jent, Kaufmann, Larsen (by request of the Department of Justice), referred to Judiciary.
HB 110, introduced by Welborn (by request of the Department of Labor and Industry), referred to Business, Labor, and Economic Affairs.
HB 118, introduced by Hunter (by request of the Economic Affairs Interim Committee), referred to Business, Labor, and Economic Affairs.
HB 125, introduced by Klock (by request of the State Auditor), referred to Business, Labor, and Economic Affairs.
HB 131, introduced by Menahan, Hendrick (by request of the Department of Military Affairs), referred to State Administration.
HB 144, introduced by Washburn, referred to Fish and Game.
HB 156, introduced by F. Smith, MacLaren, referred to State Administration.
HB 176, introduced by Kary, C. Smith, Salomon, Brown, Cuffe, Balyeat, Essmann, Skees, Greef, Regier, Knox, Olson, Blyton, Rosendale, Lewis, referred to Fish and Game.
HB 236, introduced by Greef, referred to Business, Labor, and Economic Affairs.
HB 249, introduced by Fitzpatrick, referred to Business, Labor, and Economic Affairs.
HB 258, introduced by Edmunds, Connell, referred to Business, Labor, and Economic Affairs.
HB 268, introduced by Klock, Steinbeisser, Vuckovich, Noonan, referred to Business, Labor, and Economic Affairs.
HB 270, introduced by Lavin, Sonju, Hollenbaugh, Noonan, Berry, O'Neil, Zinke, Salomon, Skees, Blasdel, Brodehl, referred to Highways and Transportation.

The following House joint resolution was introduced, read first time, and referred to committee:

HJR 4, introduced by K. Peterson, referred to Agriculture, Livestock and Irrigation.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Essmann moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Tutvedt in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 96 - Senator Gillan moved consideration of **SB 96** be passed for the day. Motion carried.

SB 179 - Senator Wittich moved **SB 179** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Jones.
Total 1

SB 222 - Senator Augare moved **SB 222** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Jones.
Total 1

SB 226 - Senator Priest moved **SB 226** do pass. Motion **failed** as follows:

Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Essmann, Hinkle, Hutton, Jackson, Lake, Lewis, Moore, Murphy, Olson, Priest, Ripley, Shockley, Tutvedt, Walker, Wittich.

Total 20

Nays: Augare, Blewett, Branae, Buttrey, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Mowbray, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 29

Absent or not voting: None.
Total 0

Excused: Jones.
Total 1

SB 226 - Senator C. Williams moved **SB 226** be **indefinitely postponed**. Motion **failed** as follows:

Yeas: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Nays: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 27

Absent or not voting: None.
Total 0

Excused: Jones.
Total 1

SB 246 - Senator Olson moved **SB 246** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 48

Nays: Wittich.
Total 1

Absent or not voting: None.
Total 0

Excused: Jones.
Total 1

HB 22 - Senator Erickson moved **HB 22** be concurred in. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Murphy, Olson, Priest, Ripley, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 43

Nays: Essmann, Mowbray, Sonju, Tutvedt, Vincent, Wittich.
Total 6

Absent or not voting: None.
Total 0

Excused: Jones.
Total 1

Senator Essmann moved that the committee rise and report. Motion carried. Senator Essmann moved that **SB 226** be segregated from the Committee of the Whole report and the remainder of the Committee of the Whole report be adopted. Motion carried as follows:

Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Lake, Lewis, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 26

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moore, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 23

Absent or not voting: None.
Total 0

Excused: Jones.
Total 1

MOTIONS

Senator Essmann moved **SB 226** be moved from the Committee of the Whole committee to the Energy and Telecommunications committee.

Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 27

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Absent or not voting: None.
Total 0

Excused: Jones.
Total 1

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 172, passed as follows:

Yeas: Arthun, Blewett, Branae, Brenden, Brown, Caferro, Erickson, Facey, Gallus, Hamlett, Hawks, Jackson, Jent, Kaufmann, Keane, Lake, Larsen, Lewis, Moss, Mowbray, Murphy, Olson, Ripley, Steinbeisser, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Zinke, Mr. President.
Total 31

Nays: Augare, Balyeat, Barrett, Buttrey, Essmann, Gillan, Hinkle, Hutton, Moore, Priest, Shockley, Sonju, Stewart-Peregoy, Vincent, Walker, Williams, Windy Boy, Wittich.
Total 18

Absent or not voting: None.
Total 0

Excused: Jones.
Total 1

SB 182 passed as follows:

Yeas: Arthun, Augare, Balyeat, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson,

Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Kaufmann, Keane, Larsen, Lewis, Moss, Murphy, Olson, Priest, Shockley, Sonju, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 43

Nays: Barrett, Lake, Moore, Mowbray, Ripley, Steinbeisser.
Total 6

Absent or not voting: None.
Total 0

Excused: Jones.
Total 1

SB 192 passed as follows:

Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Kaufmann, Keane, Lake, Larsen, Lewis, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 44

Nays: Balyeat, Hinkle, Moore, Steinbeisser, Wittich.
Total 5

Absent or not voting: None.
Total 0

Excused: Jones.
Total 1

SB 204 passed as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jent, Kaufmann, Keane, Lake, Larsen, Moore, Moss, Murphy, Olson, Priest, Ripley, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Wanzenried, Williams, Mr. President.
Total 40

Nays: Brenden, Jackson, Lewis, Mowbray, Sonju, Van Dyk, Windy Boy, Wittich, Zinke.
Total 9

Absent or not voting: None.
Total 0

Excused: Jones.
Total 1

SB 213 passed as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Jones.
Total 1

SB 216 passed as follows:

Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Gallus, Hamlett, Hinkle, Hutton, Jackson, Jent, Keane, Lake, Lewis, Moore, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Mr. President.
Total 29

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gillan, Hawks, Kaufmann, Larsen, Moss, Mowbray, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke.
Total 20

Absent or not voting: None.
Total 0

Excused: Jones.
Total 1

SB 218 passed as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Jones.
Total 1

SB 238 passed as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Essmann, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 47

Nays: Erickson, Facey.
Total 2

Absent or not voting: None.
Total 0

Excused: Jones.
Total 1

SB 256 passed as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Jones.
Total 1

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Essmann moved that the Senate adjourn until 1:00 p.m., Wednesday, February 9, 2011. Motion carried.

Senate adjourned at 2:17 p.m.

MARILYN MILLER
Secretary of the Senate

JIM PETERSON
President of the Senate

SENATE JOURNAL
62ND LEGISLATURE
THIRTY-SECOND LEGISLATIVE DAY

Helena, Montana — Senate Chambers
February 9, 2011 — State Capitol

Senate convened at 1:00 p.m. President Peterson presiding. Invocation by Chaplain Keith Johnson. Pledge of Allegiance to the Flag. Roll Call. All members present. Quorum present.

BILLS AND JOURNALS: 2/9/2011

Correctly printed: **SB 179**, **SB 210**, **SB 222**, **SB 246**, **SB 247**, **HB 22**.
Correctly engrossed: **SB 233**, **SB 248**.

Mr. President: We, your committee on Bills and Journals, having examined the daily journals for the sixteenth, seventeenth, eighteenth, nineteenth, and twentieth legislative days, find the same to be correct.

Senator Brown, Chair

REPORTS OF STANDING COMMITTEES

FINANCE AND CLAIMS (Lewis, Chairman): 2/8/2011
SB 57, introduced bill, be amended as follows:

1. Title, page 1, line 7.
Following: "DISABILITIES"
Insert: "; PROVIDING FOR DISPOSITION OF FINES; AND AMENDING SECTION 30-14-143, MCA"

2. Page 1, line 29.
Insert: "Section 2. Section 30-14-143, MCA, is amended to read:
"30-14-143. Disposition of civil fines, costs, and fees. (1) ~~All~~ (a) Except as provided in subsection (1)(b), all civil fines, costs, and fees received or recovered by the department pursuant to this part must be deposited into a state special revenue account to the credit of the department and must be used to defray the expenses of the department in discharging its administrative and regulatory powers and duties in relation to this part. Any excess civil fines, costs, or fees must be transferred to the general fund.
(b) All civil fines received or recovered by the department pursuant to [section 1] must be deposited into the general fund.
(2) All civil fines, costs, and fees received or recovered by a county attorney pursuant to this part must be paid to the general fund of the county in which the action was commenced.""
Renumber: subsequent sections

And, as amended, do pass. Report adopted.

SB 215, introduced bill, be amended as follows:

1. Title, page 1, line 6.
Strike: "AND"

2. Title, page 1, line 7.
Following: "AUTHORITY"
Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

3. Page 1, line 13.
Strike: "standard"

4. Page 1, line 15.
Following: "25,000"
Insert: "proof"

5. Page 1, line 16.
Strike: "standard"

6. Page 1, line 18.
Strike: "Standard"

7. Page 1, line 19.
Strike: "25%"
Insert: "50%"

8. Page 1, line 20.
Strike: "50%"
Insert: "75%"

9. Page 1, line 21.
Strike: "75%"
Insert: "100%"

10. Page 1, line 22.
Strike: "standard"
Following: "is the"
Insert: "standard"

11. Page 1, line 25.
Following: "reduction."
Insert: "The reduced markup must be applied to the standard liquor markup minus associated agency liquor store commissions and discount rate costs pursuant to 16-2-101 and costs of operating the central liquor warehouse and must be determined by the department on a yearly basis."

12. Page 2, following line 5.
Insert: "NEW SECTION. **Section 3. Effective date.** [This act] is effective on passage and approval."

And, as amended, do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 2/8/2011

HB 30, introduced by C. Smith
HB 219, introduced by McGillvray
HB 255, introduced by Wilmer
HB 256, introduced by Wilmer
HB 279, introduced by F. Smith
HB 297, introduced by Berry

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 288, introduced by Gillan, referred to Taxation.
SB 289, introduced by Zinke, referred to Business, Labor, and Economic Affairs.
SB 290, introduced by Zinke, referred to Business, Labor, and Economic Affairs.
SB 291, introduced by Zinke, referred to Business, Labor, and Economic Affairs.
SB 292, introduced by Olson, Ankney, Berry, Gillan, Edmunds, McChesney, Burnett, Keane, McGillvray, Milburn, referred to Energy and Telecommunications.
SB 293, introduced by Keane, Zinke, referred to Business, Labor, and Economic Affairs.
SB 294, introduced by Buttrey, referred to Business, Labor, and Economic Affairs.
SB 295, introduced by Lake, Tutvedt, referred to Taxation.
SB 296, introduced by Tutvedt, referred to Agriculture, Livestock and Irrigation.
SB 297, introduced by Essmann, Olson, J. Peterson, Keane, Berry, Ankney, McGillvray, Milburn, referred to Energy and Telecommunications.

The following House bills were introduced, read first time, and referred to committees:

HB 19, introduced by Sands (by request of the Children, Families, Health, and Human Services Interim Committee), referred to Public Health, Welfare and Safety.
HB 24, introduced by McChesney (by request of the Water Policy Committee), referred to Natural Resources.
HB 53, introduced by Klock (by request of the Department of Administration), referred to State Administration.
HB 66, introduced by Swanson (by request of the Secretary of State), referred to State Administration.
HB 99, introduced by Ingraham (by request of the Secretary of State), referred to State

Administration.
HB 142, introduced by Sands, referred to State Administration.
HB 152, introduced by Washburn, referred to State Administration.
HB 180, introduced by Edmunds, referred to State Administration.
HB 216, introduced by Miller, referred to Highways and Transportation.
HB 254, introduced by Vance, Sonju, referred to Highways and Transportation.
HB 272, introduced by Flynn, Skattum, Greef, Hendrick, Stahl, C. Smith, Miller, Murphy, Randall, Taylor, Skees, Hale, Kerns, Wagner, O'Neil, Harris, Clark, referred to Fish and Game.
HB 302, introduced by Taylor, Howard, Arthun, Arntzen, Blasdel, Steinbeisser, Warburton, Hendrick, Cuffe, Edmunds, Stahl, Beck, Regier, K. Peterson, More, MacLaren, Burnett, Hansen, Lavin, Washburn, Ingraham, Salomon, Harris, Vance, Hollandsworth, Connell, Clark, C. Smith, Miller, Yates, Blyton, Knox, Ankney, Skees, McNiven, O'Hara, Kary, Skattum, Brodehl, Hinkle, Knudsen, Reichner, Kerns, referred to Highways and Transportation.

The following House joint resolution was introduced, read first time, and referred to committee:

HJR 5, introduced by Regier, Driscoll, Randall, Arntzen, Pease-Lopez, Ingraham, Howard, G. Bennett, C. Smith, Skees, Taylor, McClafferty, McGillvray, referred to Public Health, Welfare and Safety.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Essmann moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Brenden in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 96 - Senator Gillan moved consideration of **SB 96** be passed for the day. Motion carried.

SB 195 - Senator Ripley moved **SB 195** do pass. Motion carried as follows:
Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Williams, Windy Boy, Zinke, Mr. President.
Total 45

Nays: Balyeat, Hinkle, Van Dyk, Wanzenried, Wittich.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 217 - Senator Murphy moved **SB 217** do pass. Motion carried as follows:
Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 47

Nays: Balyeat, Essmann, Olson.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJR 9 - Senator Hutton moved **SJR 9** do pass. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Windy Boy, Wittich, Mr. President.
Total 27

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Mowbray, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Zinke.
Total 23

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Kaufmann raised a point of personal privilege and clarified there was ample opportunity for the public to be involved in the proposed curriculum changes in the Helena School District.

Senator Essmann moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Peterson in the chair. Chairman Brenden moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro,

Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Windy Boy, Wittich, Zinke, Mr. President.
Total 45

Nays: Erickson, Kaufmann, Keane, Wanzenried, Williams.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 179 passed as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 222 passed as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: Essmann.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 246 passed as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 22 concurred in as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jent, Jones, Kaufmann, Keane, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 45

Nays: Jackson, Lake, Sonju, Tutvedt, Wittich.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

MOTIONS

Senator Gillan moved **SB 96** be moved from the Committee of the Whole committee to the Energy and Telecommunications committee. Without objection, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Essmann moved that the Senate adjourn until 1:00 p.m., Thursday, February 10, 2011. Motion carried.

Senate adjourned at 1:54 p.m.

MARILYN MILLER
Secretary of the Senate

JIM PETERSON
President of the Senate

SENATE JOURNAL
62ND LEGISLATURE
THIRTY-THIRD LEGISLATIVE DAY

Helena, Montana — Senate Chambers
February 10, 2011 — State Capitol

Senate convened at 1:00 p.m. President Peterson presiding. Invocation by Chaplain Keith Johnson. Pledge of Allegiance to the Flag. Roll Call. All members present, except Senators Augare and Hutton, excused. Quorum present.

Senator Gallus noted the passing of former Senator J.D. Lynch's wife.

MOTIONS

Senator Essmann moved the Senate recess and proceed to the House of Representatives for the State of the Judiciary address. Upon adjournment of the joint session, the Senate will reconvene. Motion carried.

The Senate recessed and proceeded to the House of Representatives.

President Peterson assumed the chair.

Senator Essmann moved that the body resolve itself into a joint session for the purpose of receiving the State of the Judiciary address. Motion carried.

Senator Essmann moved that the President be authorized to appoint a committee of four to notify the Honorable Chief Justice and Justices of the Supreme Court of the State of Montana that the House and Senate were in Joint session and ready to receive the State of the Judiciary address. Motion carried. President Peterson appointed Senator Jent, Senator Shockley, Representative Fitzpatrick, and Representative Driscoll. The committee was discharged to escort Chief Justice McGrath and the Supreme Court Justices into the House chambers. The committee escorted Chief Justice McGrath to the rostrum.

Chief Justice McGrath delivered the following address to the Joint session:

Mr. Speaker, Mr. President, Members of the Court, Honored Guests, Members of this Joint Assembly:

Thank you for giving me this opportunity. It is indeed an honor to be here speaking on behalf of Montana's Judiciary.

It is very gracious of you, and appropriate I might add, to provide this opportunity to both the Executive and Judicial Branches of Montana's government.

In Montana, our courts process 1,000 cases each day , 365,000 per year. That, of course, includes all matters, including misdemeanors. But it adds up to one case for every three Montana residents.

At 1,000 cases per day, our courts are busy and, in our larger communities, the workload for court employees is very heavy.

Many people come to court because their lives are in crisis. They include victims of crime, and people charged with crimes, children suffering from child abuse, ranchers who can't irrigate because of a water dispute, businesses being wrongfully sued by disgruntled employees, workers injured on the job, neighbors fighting over disputed property boundaries, entrepreneurs challenging the government's interpretation of legislation and mothers seeking child support to buy diapers. They come because they *know* they have rights. They *know* that there are laws that will protect them. They *know* they will get an answer to their problem.

And they know they will be treated fairly, by an independent judge--not a person beholden to money interests or partisanship or social status. Rather, a judge who will listen to their grievance and make a decision based on the merits of each individual case.

If you listen to the grievances being expressed by the demonstrators in the Middle East these past few weeks--what you hear--they want what we have. They want a right to be heard by their government. They want to be governed by the rule of law and not by fiat as determined by despotic rulers and autocratic administrations.

Our founders developed a system that has become the blueprint for political and economic success for the modern world.

In the words of historian Joseph Ellis, American success is: "about the triumph of representative government bottomed on the principle of popular sovereignty, a market economy fueled by the energies of our citizens, a secular state unaffiliated with any official religion, and the rule of law that presumes the equality of all."

What our founders knew was that if this republic they had created was going to succeed, it had to be based upon the rule of law, and that rule of law requires an independent and impartial manner of resolving disputes--be they commercial matters, family crises, criminal charges or removal of public officers. And as Ronald Reagan said: "our heritage of individual liberty is dependent on the rule of law."

And the system works!

Speaking to the Supreme Court in 1982, President Reagan, after noting that he occasionally disagreed with some of their decisions, stated:

"I know that the Supreme Court of the United States is the only group . . . in history that has exercised significant authority over such a long period of time without having need for battalions of fighting men to enforce their decisions . . . . It's a healthy reflection of the fact that the vast majority of our citizens respect and abide by the decisions of the judiciary as a matter of course."

Ted Olson served as the U.S. Solicitor General in a Republican Administration. His wife was killed on 9/11.

Some of you have heard me quote his remarks, written in *The Wall Street Journal*, before, but I think it is worth the repetition:

"Every day, thousands and thousands of judges--jurists whose names we never hear, from our highest court to our most local tribunal--resolve controversies, render justice, and help keep the peace by providing a safe, reliable, efficient and honest dispute resolution process. The pay is modest, the work is frequently quite challenging, and the outcome often controversial. For every winner in these cases, there is a loser. Many disputes are close calls, and the judge's decision is bound to be unpopular with someone.

But in this country we accept the decisions of judges, even when we disagree on the merits, because the process itself is vastly more important than any individual decision. Our courts are essential to an orderly, lawful society. And a robust and productive economy depends upon a consistent, predictable, evenhanded, and respected rule of law. . . . Americans understand that no system is perfect and no judge immune from error, but also that our society would crumble if we did not respect the judicial process."

The Judiciary in Montana understands that we have the responsibility described by the President and strive daily to ensure that we uphold these traditions.

Those 1,000 people per day that end up in our courts know that our Justice System is based on the rule of law and not individual whim. Our disputes are resolved within an orderly system that provides all parties the opportunity to be heard, and is based upon law.

In fact, our economy depends on this independent system. Investors and other businesses have the right to rely on an orderly and prompt dispute resolution process. They have the freedom to enter contracts and the ability to have those contracts enforced. They know that even in the most remote courthouse in Montana, they will get a fair hearing and a timely decision.

Furthermore, individual citizens have the rights enunciated in our Constitution and the ability to enforce those rights whether they are in Libby or Terry, Billings or Butte.

And all of us have the right to expect the courts to make those decisions based on the merits of each individual case--by judges independent of bias, prejudice or political influence.

As an independent third branch of government, our responsibilities are great but our needs are small.

Our budget is less than two percent of the general fund. Yet we recognize that with judicial independence comes the corresponding responsibility, to be accountable:

- Accountable to the people who elect us, and;

- Accountable to the Legislature, especially as to how we spend public funds.

In an effort to be more accountable, the Judicial Branch has undertaken a series of performance measures. At the Supreme Court, a number of new case processing measures have been implemented.

Last session, I told you that the Court is very much aware of concerns about backlogged cases. Significant improvements have been made–I can now tell you that our caseload is current. We have no cases over a year old and our average time to resolve a case is less than 100 days. And, because we are current, we were able to shift personnel from the Supreme Court to our most crowded District Courts in Gallatin and Cascade counties.

District Court performance standards are now being developed. Surveys of court users are completed and formulas have been adapted to accurately measure case loads and case timeliness. The efforts you made last session to add 3 District Court Judges in Yellowstone, Flathead and Lewis and Clark counties are just beginning to show improvement. The people in those communities and the Judicial Branch thank you for that assistance.

Also last session, we experienced significant budget reductions--including vacancy savings and across-the-board cuts. Plus, at the request of the executive branch, we reduced our appropriated budget by a significant amount. Our branch consists of 54 independently elected officials, 46 of whom are elected from their local community. As the vast majority of our budget consists of personnel costs, it is hard to find additional areas to cut.

We have done a good job of managing our resources; we have found the waste. Additional budget reductions will fall on the backs of the overworked local judiciary and inevitably result in delay and court backlogs. Of course the losers under that scenario are your constituents, especially small business and working people.

We have learned that backlogged courts are bad for business. We are trying hard to remedy that problem. However, we do have ways that the Judiciary can help with future budgets.

Drug courts and Treatment courts in general can and do save taxpayer dollars. And the last two sessions, Legislators had the foresight to fund a small portion of these programs.

Not long ago 50 percent of the children in foster care were there because of their parents' use of drugs--methamphetamine in particular.

An incredibly high percentage--up to 90 percent--of prison inmates (both male and female) are incarcerated with chemical dependency problems--as many as half for meth. And, of course, many of our prisoners have severe mental illness problems.

All of these social problems cause a tremendous drain on state and local government budgets. That is why the new governor of Georgia announced, in his inaugural address last month, that he was proposing increased funding for drug courts as a cost-saving measure.

Treatment courts divert some of these people to less expensive and more effective alternatives.

- They can keep kids out of Pine Hills or even more expensive out-of-state placements.
- They divert new commitments from our state prisons to less expensive alternatives in the community.
- Drug courts reunite shattered families and turn participants into productive members of society.

Recently, we issued a report that catalogs the success of Montana's drug courts. Some of the highlights include:

- The re-offense rates for those participants that had been discharged for 2 years or more are remarkable,
    - only 1.2% were arrested for a felony, and
    - only 10.5% committed misdemeanors.
    - That means that only 10 percent committed as much as a misdemeanor, a significant drop in recidivism.
- Adult Drug Court graduates had a 17.6 percent increase in employment during the program,
    - Family Drug Court graduates had an incredible 61.8 percent increase in employment.

One more:

- In two and one-half years, 20 participants were pregnant--14 gave birth while in the program,
    - 12 or those babies were born drug free--an immense saving of taxpayer dollars.

Many of our judges in Montana are committed to addressing these problems in their communities--problems they see every day.

Treatment courts are a strain on judges' time and energy. However, they are very rewarding as well. They do see good things happen in a courtroom--not a common occurrence in our courts.

Nationally, it has been proven that Treatment courts are by far the most effective thing we can do to address drug abuse and the problems that go with it.

We also propose to continue our Court Help Program, to assist individual Montana citizens with court service areas, places where you can get proper forms and assistance with the court process without unnecessary expense. Not all legal matters need attorneys. There are many ways we can simplify the process and provide people with helpful solutions.

Most people cannot afford an attorney--so they come to court without. Fully 30 percent of our Court¡|s cases are presented with at least one party not represented by an attorney. In Flathead, it's 80 percent of the domestic relations cases.

- These cases tend to be very messy,
- These cases are time consuming,
- These cases are very frustrating--not only for the Judge but the parties themselves.

This program provides some direction--some explanation of how to navigate through the process,

- It does not offer legal advice.

Since the program began, our two full-time centers in Kalispell and Billings have assisted 12,000 individuals and small businesses navigate through the complexity of our court system. We do this with volunteers who are recruited and trained by the limited staff that we have. Because our tiny budget is leveraged by volunteer labor, this program operates in 24 counties--all across our state.

This program does significantly increase judicial efficiency and it does reduce court backlog.

Finally, we hope to be able to introduce some new efficiencies at the Water Court thanks to suggestions from the Legislative Audit Committee. Started in 1979, the task is to quantify every water right, in every drainage, in the state of Montana--all 220,000 claims--a monumental task. We are working with Representative McNutt and Senator Wanzenried on a proposal that will be coming your way soon.

The way our citizens approach the court system is changing dramatically; clearly our courts must adapt to these changing times.

Thanks to you, last session, for providing some funding for these important programs. I hope they will be able to continue. We believe our proposals will help to ensure that the small business owner, the man injured through no fault of his own, the mom, the defendant wrongly accused, and the child crying in the crib get their opportunity to resolve their crises. We also hope that by making the court system more efficient and responsive to the public's needs, we can avoid coming to you in a future session asking for more Judges.

While I have been Chief Justice for only a short period of time, I have enjoyed the experience immensely. I thank the people of Montana for giving me this opportunity.

Thank you again for inviting me to speak with you today.

I know all of you have a lot to do in the next 57 days!

Good luck this Session!

The committee escorted the Chief Justice, and the Court, and honored guests from the Joint session.

Senator Essmann moved that the Joint session be adjourned. Motion carried.

The joint session adjourned and the Senate resumed.

BILLS AND JOURNALS: 2/10/2011

Correctly printed: **SB 195**, **SB 217**, **SJR 9**.
Correctly engrossed: **SB 57**, **SB 215**.

REPORTS OF STANDING COMMITTEES

JUDICIARY (Murphy, Chairman): 2/10/2011
SB 185, do pass. Report adopted.

STATE ADMINISTRATION (Shockley, Chairman): 2/9/2011
HB 89, be amended as follows:

1. Title, page 1, line 6.
Strike: "LEGISLATIVE"
Insert: "STATE DISTRICT"

2. Page 1, line 23.
Strike: "legislative"
Following: the first "candidates"
Insert: "for a state district office, including but not limited to candidates for the legislature, the public service commission, or for a district court judge,"

And, as amended, be concurred in. Report adopted.

TAXATION (Tutvedt, Chairman): 2/10/2011
SB 110, introduced bill, be amended as follows:

1. Title, line 6.
Strike: "; AND PROVIDING AN EFFECTIVE DATE"

2. Page 1, line 12.
Strike: "2011"
Insert: "2014"

3. Page 2, line 11.
Strike: section 3 in its entirety

And, as amended, do pass. Report adopted.

HB 21, be concurred in. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 2/9/2011

HB 40, introduced by K. Peterson
HB 43, introduced by MacLaren
HB 102, introduced by Menahan
HB 181, introduced by Arntzen
HB 231, introduced by Brodehl
HB 300, introduced by Flynn
HB 315, introduced by MacDonald
HB 356, introduced by Hiner
HB 367, introduced by MacLaren

FIRST READING AND COMMITMENT OF BILLS

SB 298, introduced by Vincent, referred to Local Government.
SB 299, introduced by Hamlett, Brown, referred to Natural Resources.
SB 300, introduced by Hamlett, Brown, referred to Agriculture, Livestock and Irrigation.
SB 301, introduced by Ripley, Brenden, referred to Fish and Game.
SB 302, introduced by Ripley, Brenden, referred to Local Government.
SB 303, introduced by Brenden, Ripley, Arthun, Jones, Berry, J. Peterson, Walker, Murphy, Lewis, Hutton, Steinbeisser, Olson, Hinkle, Vincent, Keane, Jackson, Debby Barrett, Tutvedt, Priest, Moore, referred to Local Government.
SB 304, introduced by Shockley, Augare, referred to Judiciary.
SB 305, introduced by Jackson, Klock, Olson, referred to Energy and Telecommunications.
SB 306, introduced by Murphy, Vincent, G. Bennett, Olson, Keane, Brown, Buttrey, Yates, Hale, referred to Natural Resources.

The following House bills were introduced, read first time, and referred to committees:

HB 30, introduced by C. Smith, referred to Public Health, Welfare and Safety.
HB 123, introduced by McClafferty (by request of the Education and Local Government Interim Committee), referred to Local Government.
HB 185, introduced by Berry, Taylor, O'Hara, MacLaren, referred to Judiciary.
HB 198, introduced by K. Peterson, Howard, Hollandsworth, Berry, Erickson, McGillvray, Fitzpatrick, Reichner, Driscoll, O'Hara, Belcourt, Reinhart, Mehlhoff, C. Smith, Facey, Knox, Buttrey, F. Smith, referred to Judiciary.

HB 211, introduced by Ingraham, referred to Local Government.
HB 212, introduced by Ingraham, referred to Local Government.
HB 219, introduced by McGillvray, Essmann, Blasdel, referred to Taxation.
HB 255, introduced by Wilmer, Hawks, Welborn, Boland, Skattum, McChesney, Wilmer, Hiner, Sesso, Price, O'Neil, McNally, Sands, Swanson, Driscoll, Pease-Lopez, Connell, MacDonald, Flynn, Furey, Hunter, Miller, Schmidt, McNutt, More, Malek, McClafferty, Mehlhoff, B. Bennett, Noonan, Kary, McNiven, Hands, Menahan, Randall, Belcourt, Squires, Reinhart, Arntzen, Reichner, Dick Barrett, Court, Hendrick, Hollenbaugh, O'Hara, F. Smith, Roberts, Lavin, Skees, Phillips, Yates, K. Williams, Hansen, Gibson, Lewis, Jent, Tropila, Branae, Vincent, Blewett, Keane, Windy Boy, Van Dyk, Zinke, Debby Barrett, Ripley, Augare, Wanzenried, Hamlett, Wittich, Knudsen, Brodehl, Stewart-Peregoy, Caferro, Essmann, J. Peterson, Brown, Small, Gillan, Lake, Stahl, Evans, Miller, Kerns, Greef, Ankney, Facey, referred to State Administration.
HB 256, introduced by Wilmer, referred to State Administration.
HB 261, introduced by Rosendale, Taylor, Lavin, McNiven, referred to Fish and Game.
HB 279, introduced by F. Smith, Belcourt, Evans, Hiner, Pease-Lopez, Malek, Hollenbaugh, Small, O'Neil, Stahl, Read, McChesney, Arntzen, Roberts, Augare, Sands, referred to State Administration.
HB 292, introduced by Kennedy, F. Smith, Evans, Cuffe, Hale, G. Bennett, Klock, Skees, O'Neil, Arntzen, C. Smith, Connell, Yates, Milburn, Brodehl, Hinkle, K. Peterson, Blasdel, Kerns, Hoven, McNiven, Greef, Ankney, Hendrick, Harris, More, Regier, Sonju, Read, Miller, Vance, Rosendale, Flynn, Salomon, Washburn, Lavin, Osmundson, Kary, Berry, Knox, Blyton, Murphy, Skattum, Small, Wagner, Reichner, Welborn, Warburton, referred to Judiciary.
HB 294, introduced by Cook, referred to Agriculture, Livestock and Irrigation.
HB 297, introduced by Berry, referred to State Administration.
HB 298, introduced by McNutt, referred to Highways and Transportation.
HB 319, introduced by McNutt, referred to Highways and Transportation.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Essmann moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Hamlett in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 210 - Senator Tutvedt moved **SB 210** do pass. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 47

Nays: Wittich.
Total 1

Absent or not voting: None.
Total 0

Excused: Augare, Hutton.
Total 2

SB 247 - Senator Moss moved **SB 247** do pass. Motion carried as follows:

Yeas: Arthun, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 44

Nays: Hinkle, Tutvedt, Walker, Wittich.
Total 4

Absent or not voting: None.
Total 0

Excused: Augare, Hutton.
Total 2

SB 248 - Senator Gillan moved **SB 248** do pass. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Augare, Hutton.
Total 2

Senator Essmann moved the committee rise and report. Motion carried. Committee arose.

Senate resumed. President Peterson in the chair. Chairman Hamlett moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arthun, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Augare, Hutton.
Total 2

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 195 passed as follows:
Yeas: Arthun, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 47

Nays: Van Dyk.
Total 1

Absent or not voting: None.
Total 0

Excused: Augare, Hutton.
Total 2

SB 217 passed as follows:
Yeas: Arthun, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju,

Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 47

Nays: Balyeat.
Total 1

Absent or not voting: None.
Total 0

Excused: Augare, Hutton.
Total 2

SJR 9 adopted as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Mr. President.
Total 26

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Mowbray, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke.
Total 24

Paired: Essmann, Hutton, Aye; Augare, Gillan, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Essmann moved that the Senate adjourn until 1:00 p.m., Friday, February 11, 2011. Motion carried.

Senate adjourned at 2:04 p.m.

MARILYN MILLER
Secretary of the Senate

JIM PETERSON
President of the Senate

SENATE JOURNAL
62ND LEGISLATURE
THIRTY-FOURTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
February 11, 2011 — State Capitol

Senate convened at 1:00 p.m. President Peterson presiding. Invocation by Chaplain Keith Johnson. Pledge of Allegiance to the Flag. Roll Call. All members present, except Senator Hutton, excused. Quorum present.

REPORTS OF STANDING COMMITTEES

AGRICULTURE, LIVESTOCK AND IRRIGATION (Steinbeisser, Chairman): 2/10/2011
HB 54, be amended as follows:

1. Page 3, line 17.
Strike: "must be temporary in nature"
Insert: "may last no more than 5 years"

And, as amended, be concurred in. Report adopted.

FISH AND GAME (Brenden, Chairman): 2/10/2011
SB 134, introduced bill, be amended as follows:

1. Page 5, line 1.
Following: "and parks"
Insert: "90 days"

And, as amended, do pass. Report adopted.

SB 144, introduced bill, be amended as follows:

1. Title, line 6.
Following: "RELOCATION;"
Insert: "REQUIRING REPORTS;"

2. Title, line 7.
Following: "DATE"
Insert: "AND A TERMINATION DATE"

3. Page 2.
Following: line 13
Insert: "(6) The department shall report on the relocation of wild buffalo or bison to the environmental quality council, established in 5-16-101, annually, as provided in 5-11-210, or more often upon request of the presiding officer."

4. Page 2.
Following: line 19
Insert: "NEW SECTION. **Section 4. Termination.** [This act] terminates June 30, 2013."

And, as amended, do pass. Report adopted.

SB 184, introduced bill, be amended as follows:

1. Title, line 5.
Following: "BUFFALO;"
Insert: "CLARIFYING THAT WILD BUFFALO MAY BE HUNTED WITH HUNTING ARMS OTHER THAN BOWS AND ARROWS;"

2. Page 3, line 5.
Following: "arrows"
Insert: "and other hunting arms"

And, as amended, do pass. Report adopted.

HIGHWAYS AND TRANSPORTATION (Jones, Chairman): 2/10/2011
SB 111, introduced bill, be amended as follows:

1. Page 2, line 2.
Strike: "person"
Insert: "driver"

And, as amended, do pass. Report adopted.

HB 60, be concurred in. Report adopted.

MOTIONS

Senator Essmann moved the Senate recess and proceed to the House of Representatives to receive an address from the Honorable U.S. Senator Jon Tester. Upon adjournment of the joint session, the Senate will reconvene. Motion carried.

The Senate recessed and proceeded to the House of Representatives.

President Peterson assumed the chair.

Senator Essmann moved that the body resolve itself into a joint session for the purpose of receiving Senator Tester's address. Motion carried.

Senator Essmann moved that the President be authorized to appoint a committee of four to notify the Honorable Senator Jon Tester that the House and Senate were in Joint session and ready to

receive his address. Motion carried. President Peterson appointed Senators Steinbeisser, Wanzenreid and Representatives Washburn and Schmidt to escort Senator Tester into the House chamber. The committee was discharged to escort the Honorable Senator Tester into the House chambers. The committee escorted Senator Tester to the rostrum.

Senator Tester delivered the following address to the Joint session:

President Peterson, Speaker Milburn, legislators, honored guests, people of Montana: It's great to be here. It's great to be back in Montana's "Peoples' House" to share a few words with you.

Usually when I recognize folks, I like to have them stand. This time, I'd like to do something a little different. I'm going to ask that if you are a veteran, please remain seated. Everyone else, please rise if you can. Let us stand and honor Montana's veterans.

I also want to acknowledge my friend, Lieutenant Governor John Bohlinger, here today.

John, now I'm going to ask you to stand. Thanks not only for your service as a Marine, but also for your service to the state of Montana. Every day you remind us that it's possible to reach across party lines, find common ground, and work together. You are a statesman. Thank you.

Last week, a reporter asked me an interesting question. He asked who my best friend in Congress is. I thought about it for a bit…

My best friend in Congress is my best friend in life. Sharla Tester. She is my partner in serving Montana, in running our family farm, in raising our children, and in loving our grandchildren.

Sharla can't be here today, but a lot of my family is. My daughter, Christine, and her husband, James, are here.

Melodie and her husband, Glenn. And our grandkids: Kilikina, Brayden and Tucker.

Senator Keane, where are you? I was sorry to hear Senate Bill 6 got tabled in committee. Under Senator Keane's bill, anyone who uses PowerPoint in committee would have had to fork over fifty to a hundred bucks into a special fund-depending on the length.

I'd love to see the fiscal note on that one.

There are very serious challenges ahead: Passing a budget that works for Montana, its small businesses, its working families, its family farms and ranches. A budget that creates jobs. A budget that creates an environment that allows our kids and grandkids to be competitive and successful.

Every decision you make has an impact on your neighbors. My neighbors. Your communities. And all communities across Montana.

You know what? Montana is blessed with our citizen legislature. It's one of the many things that make Montana the best state in the best nation, in the world.

I was proud and honored to serve here. And I thank you for being part of it, too.

Montana is also blessed with an strong small business spirit. I've seen it firsthand as I travel back to this state every weekend, visiting every county.

I see that spirit in folks like Kim Ormsby, founder of the Natural Baby Company in Bozeman. What started as a great idea - selling cheaper, environmentally friendly baby products online - has turned into a booming brick-and-mortar business. Kim Ormsby is a Montana success story. And she's creating jobs.

In Red Lodge, Keith Lauver is just starting a business called The Healthy Pantry. He takes Montana ag commodities. And, on a stove in a building on Main Street, he turns them into meals that are easy to prepare at home. The Healthy Pantry isn't just making good food. It's putting folks back to work.

And there's the Stillwater Mining Company, where hundreds of Montanans work together - union labor and management - to get platinum and palladium to the market.

Stillwater is "Made in America." It's a gem in our Treasure State that we can all be proud of.

From metals and minerals to coal and oil and natural gas, Montana is rich in natural resources. We've got trees and biomass. Wind and solar and geothermal energy.

Our resources include the animals we raise and eat and the ground where we raise our crops.

Ladies and gentlemen, in Montana, we've got the lumber. We've got the hardware.

What we need from you is a smart - and I emphasize smart - budget plan to create jobs and keep our Montana economy strong.

A plan that strengthens and maintains a business-friendly environment. One that invests in our workers. And our kids. And their education. And allows them to do whatever they dream to do.

A budget plan that maintains the physical infrastructure we need to keep our rural state in fighting shape.

With our national economy on the rebound, we can't afford to go backwards. Montana has handled this recession better than any state. And we need to make sure we continue the trend.

Montanans sent me to the United States Senate to work hard. They sent you to Helena to work hard. To make Montana and America better for our kids and grandkids. Not to sit around complaining. Not to re-hash old problems or create new ones.

It's our job to do our work with respect for one another, finding the common ground that unites us. And working from that common ground.

We may be Democrats. And we may be Republicans. But we're Americans and Montanans first.

We all have a unique challenge. Because whether home is Billings or Big Sandy, we have this in common: all of us live in rural America.

One of my biggest challenges back in the Senate is getting folks to understand what rural America really means.

To them, rural America is the area between Washington, D.C. and Baltimore. For us, it's a way of life.

We share a heritage rich in agriculture. I'm proud of the fact I'm the only member of the U.S. Senate and the only member of Montana's delegation who still runs a family farm. It's an important perspective to bring to the table.

In rural America, we have a rich outdoor heritage. For the next two years, I have the honor of serving as chairman of the Congressional Sportsman's Caucus. My role: to keep fighting for - and strengthening - our gun rights.

Standing up for access to public lands. And public water.

Of course, getting wolves back off the Endangered Species List. And returning their management to the State of Montana-to the professionals who know how to do it best.

I'm doing everything I can to pass wolf legislation through Congress. Because we need a solution for wolves. And we need it now.

I introduced a bill yesterday that delists wolves. It returns us back to Montana's management plan, which was working just fine.

The bottom line is, we need to start hunting - and managing - wolves now.

That's why last week, I called for a controlled wolf hunt in Montana.

The Interior Department is expediting that request. And I will keep their feet to the fire until they approve that hunt.

It's a good step. But it's exactly the reason we need to delist wolves. Montana has responsibly managed wolves. And we shouldn't have to ask the federal government for a hunt.

Until wolves are delisted - and Montana is back in charge - I'll do everything I can to push the feds to work with us. To let Montana aggressively manage wolves.

In addition to our outdoor heritage, Montana and rural America have a proud tradition of military service.

Our state is home to 103,000 veterans. More are coming home every day. Many with injuries seen… and unseen.

In December, I had the honor of visiting Lance Corporal Tomy Parker in his hospital room in Bethesda. Tomy is from Ronan.

He lost both legs and part of his hand while serving our country in Afghanistan.

As big as his losses are, the only thing bigger is his incredible positive attitude. And the love of his family.

We needed Lance Corporal Parker. And now, Tomy needs us. Our veterans and servicemen and women have fought and fight for our freedom and liberty every day.

So let me be clear: we've got a lot of challenges ahead when it comes to cutting spending and cutting our debt. But we cannot afford to do it by cutting benefits from America's veterans.

I was struck by what the national commander of the VFW said the other day.

It was a response to a controversial proposal to cut $4-and-a-half billion in veterans' benefits.

He said, and I quote, "The day this nation can't afford to take care of her veterans is the day this nation should quit creating them."

Montana is blessed with our heritage of military service.

In rural America, we've got to strengthen what we're blessed with. Because rural America fights for this country. Feeds this country. And fuels this country.

Like many of your relatives, my grandparents came to Montana with almost nothing.

They had to rely on their own hard work. They had to work together with their neighbors to survive. And they had to live within their means.

You know what? They made it work.

My grandparents - and my parents - knew the value of a dollar. I know the value of hard work and the value of a dollar. Those are Montana values.

We can be proud of Montana's Constitutional requirement to balance the budget.

That darned good leadership over the past few years has made Montana one of the few states in the nation still operating in the black.

A decade ago, during the Clinton Administration, this country ran a surplus. It is possible.

But over the past 10 years, some in Congress made some pretty bad choices. And it turned our economy upside down.

Instead of gimmicks that cost us jobs, hurt education, and weaken our infrastructure, we need to take real steps toward cutting our deficit and balancing our budget.

It's not going to happen overnight. It's going to take a credible, long-term strategy.

So, what is real?

Last year, I cut $6 billion in spending from the unemployment insurance law.

I killed the Animal ID program, which was wasting millions of your tax dollars

I voted-twice-to make sure Congress didn't get a pay raise.

And just last month, I introduced a bill ending automatic pay raises for members of Congress forever.

This week, Tom Coburn - a conservative Republican from Oklahoma - and I teamed up and introduced a bill to make sure hardworking taxpayers don't have to write unemployment checks for millionaires.

That's just common sense. And it shows that one party doesn't have all the good ideas.

You just have to be willing to work together to cut spending and cut our debt.

And as the only Senate Democrat to vote against both bailouts, I will tell you I will always vote against bailouts.

As for that credible, long-term strategy?

I supported creating a bipartisan panel to recommend a path forward… to cut our debt and cut spending.

I read their plan. I don't agree with everything in it. But I support the idea behind these recommendations.

We need to cut the waste, fraud and abuse in our entitlement programs. We need to make sure they work for the 21st Century.

We need to take a look at our tax code, to make sure it works for middle class families. And to make sure nobody side-steps the system.

That's what it's going to take to really cut our debt and cut spending. Not gimmicks.

It won't be easy. In fact, it will be pretty darned difficult. We're going to have to make some tough choices in the weeks, months and years ahead.

Every expenditure - whether it's a government program or a tax earmark - has a network of people supporting it. For that reason, balancing the books will be a challenge.

But that doesn't mean it can't be done. It has to be done. And it can be done… without costing us jobs.

The key is: no one is excused from sharing in the sacrifice. Not the folks who live in the big cities. Nor the folks with Swiss bank accounts. Nor Wall Street Banks or K Street lobbyists.

Nor insurance giants or multinational corporations that send American jobs overseas - and can now secretly fund our political campaigns.

Everybody has to feel a little pain. But that doesn't mean we take a battle axe to the very things that are creating jobs and building our economy. Or backpedal on our commitment to veterans.

Think turning public education upside down creates jobs and a business friendly environment?

In this competitive world, it would only take us backwards. And it will shift the tax burden onto local property taxpayers.

Does slashing our basic infrastructure, like safe roads and drinking water and electrical transmission lines help businesses create jobs?

Or saying 'tough luck' to our law enforcement officers and firefighters?

Or gutting access to quality, affordable health care?

That kind of governing will land us right back in the ditch. And it will not create jobs.

We create jobs by investing in education and infrastructure and in health and public safety.

That's why I'm proud of my vote for the Recovery Act. A bill that put thousands - let me repeat, thousands - of Montanans to work.

It cut taxes for every Montanan - to the tune of a half-billion dollars. And it jump-started the infrastructure we need to create jobs.

Every region in Montana has a school, a road, a public works system that has been improved and revitalized because of the Recovery Act.

The Recovery Act is building the North Central Regional Water System, which will provide clean drinking water to tens of thousands of Montanans.

It allowed crews to finish one of our state's fastest-growing business corridors-Shiloh Road in Billings.

It launched a critical revolving loan fund to keep Montana's timber industry on its feet - in a time of really tight capital.

I know Cary Hegreberg and my friends at the Montana Contractors Association have done a great job in taking advantage of the Recovery Act - and putting Montanans to work. I want to thank them.

And most importantly, the Recovery Act pulled our nation away from the ledge of a catastrophic depression. That's what I call, successful stimulus. The only thing failed about it… was a vote against it.

Remember this: it is our patriotic responsibility as Americans to govern and budget carefully.

It is patriotic for a business to go the extra mile needed to create jobs here in America.

Off-shoring jobs may save you a few bucks, but none of us can afford to cut American workers out of the picture.

Invest in jobs here, and you invest in your community. And your country.

The Natural Baby Company is doing it. The Healthy Pantry, and the Stillwater Mine are doing it. A whole bunch of Montana businesses are doing it.

Montanans should demand support for Montana jobs from their political leaders. And we all should demand it from our businesses.

As we have this debate, we also can't let Montana and rural America shoulder more than our share of the sacrifice.

That's all the more reason I need to keep fighting for the priorities of rural America in the US Senate.

I will never give up on Montana. I will never give up on our family farms and ranches. Or our schools and small businesses. Or our veterans.

Our human infrastructure is too valuable to let go by the wayside. Letting our roads fall apart or letting our best teachers go somewhere else will cost us jobs. It will cost us opportunity.

We can't afford to take a back seat to anyone.

Despite the differences we may have in this room, we are all Montanans. And we're all lucky to call this state home.

I'm bullish on Montana. In fact, I can't think of a single reason not to be.

We've got the people. We've got the resources. And like the generations before us, we've got opportunity for the taking.

Later this month, on February 23rd, I'm hosting my sixth Small Business Opportunity Workshop. This one will be in Missoula. And I invite every Montanan to attend.

You don't have to be a Democrat or a Republican to take part.

The idea is to work together to build Montana, to create jobs and take advantage of every opportunity possible.

Montanans aren't afraid to work hard or make tough decisions.

Working together, we'll build up our state. We'll create jobs. And we'll move forward, not backward.

We can do it while empowering small businesses, family farms and ranches, working families.

We can do it without ignoring the needs of the physical and human infrastructure we need to stay competitive.

We can do it by investing in K-though-12 education, and our university system.

Good luck in the weeks ahead. God Bless.

BILLS AND JOURNALS: 2/11/2011

Correctly printed: **SB 185**, **SB 210**, **SB 247**, **SB 248**, **HB 21**.
Correctly engrossed: **SB 110**, **HB 89**.

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Balyeat, Chairman): 2/11/2011
SB 168, introduced bill, be amended as follows:

1. Title, page 1, line 5.
Following: "COUNCIL"
Strike: ","
Insert: "AND"

2. Title, page 1, lines 5 through 6.
Following: "COMMITTEE" on line 5
Strike: ", AND THE BOARD" on line 5 through "TECHNOLOGY" on line 6
Following: "DUTIES" on line 6
Strike: "AND"
Insert: "; EXTENDING"

3. Title, page 1, line 8.
Following: "39-11-202,"
Insert: "AND"
Strike: "AND 90-3-1003,"
Following: "REPEALING"
Strike: "SECTIONS 2-15-1819,"
Insert: "SECTION"

4. Page 1, line 8 through line 9.
Strike: "90-3-1005," on line 8 through "90-4-2006," on line 9

5. Page 7, line 29 through page 10, line 3.
Strike: section 5 in its entirety
Renumber: subsequent sections

6. Page 10, line 17.
Strike: "sections"
Insert: "section"
Strike: "are"
Insert: "is"

7. Page 10, line 19.
Strike: line 19 in its entirety

8. Page 10, line 21.
Strike: line 21 in its entirety

9. Page 10, line 22.
Strike: line 22 in its entirety

10. Page 10, line 24.
Strike: "6"
Insert: "5"

11. Page 10, line 25.
Strike: "6"
Insert: "5"

And, as amended, do pass. Report adopted.

SB 242, introduced bill, be amended as follows:

1. Title, page 1, line 5.
Strike: ""CASUAL" through "TO INCLUDE"
Insert: ""EMPLOYEE""

2. Title, page 1, line 6 through line 9.
Strike: "THAT IS" on line 6 through "CERTIFICATES" on line 9
Strike: "SECTIONS" on line 9 through "39-71-417," on line 9
Insert: "SECTION 39-71-118,"

3. Page 1, line 14 through page 8, line 20.
Strike: everything after the enacting clause
Insert: "Section 1. Section 39-71-118, MCA, is amended to read:

"39-71-118. Employee, worker, volunteer, and volunteer firefighter defined. (1) As used in this chapter, the term "employee" or "worker" means:

(a) each person in this state, including a contractor other than an independent contractor, who is in the service of an employer, as defined by 39-71-117, under any appointment or contract of hire, expressed or implied, oral or written. The terms include aliens and minors, whether lawfully or unlawfully employed, and all of the elected and appointed paid public officers and officers and members of boards of directors of quasi-public or private corporations, except those officers identified in 39-71-401(2), while rendering actual service for the corporations for pay. Casual employees, as defined by 39-71-116, are included as employees if they are not otherwise covered by workers' compensation and if an employer has elected to be bound by the provisions of the compensation law for these casual employments, as provided in 39-71-401(2). Household or domestic employment is excluded.

(b) any juvenile who is performing work under authorization of a district court judge in a delinquency prevention or rehabilitation program;

(c) a person who is receiving on-the-job vocational rehabilitation training or other on-the-job training under a state or federal vocational training program, whether or not under an appointment or contract of hire with an employer, as defined in 39-71-117, and, except as provided in subsection (9), whether or not receiving payment from a third party. However, this subsection (1)(c) does not apply to students enrolled in vocational training programs, as outlined in this subsection, while they are on the premises of a public school or community college.

(d) an aircrew member or other person who is employed as a volunteer under 67-2-105;

(e) a person, other than a juvenile as described in subsection (1)(b), who is performing community service for a nonprofit organization or association or for a federal, state, or local government entity under a court order, or an order from a hearings officer as a result of a probation or parole violation, whether or not under appointment or contract of hire with an employer, as defined in 39-71-117, and whether or not receiving payment from a third party. For a person covered by the definition in this subsection (1)(e):

(i) compensation benefits must be limited to medical expenses pursuant to 39-71-704 and an impairment award pursuant to 39-71-703 that is based upon the minimum wage established under Title 39, chapter 3, part 4, for a full-time employee at the time of the injury; and

(ii) premiums must be paid by the employer, as defined in 39-71-117(3), and must be based upon the minimum wage established under Title 39, chapter 3, part 4, for the number of hours of community service required under the order from the court or hearings officer.

(f) an inmate working in a federally certified prison industries program authorized under 53-30-132;

(g) a volunteer firefighter as described in 7-33-4109 or a person who provides ambulance services under Title 7, chapter 34, part 1;

(h) a person placed at a public or private entity's worksite pursuant to 53-4-704. The person is considered an employee for workers' compensation purposes only. The department of public health and human services shall provide workers' compensation coverage for recipients of financial assistance, as defined in 53-4-201, or for participants in the food stamp program, as defined in 53-2-902, who are placed at public or private worksites through an endorsement to the department of public health and human services' workers' compensation policy naming the public or private worksite entities as named insureds under the policy. The endorsement may cover only the entity's public assistance participants and may be only for the duration of each participant's training while receiving financial assistance or while participating in the food stamp program under a written agreement between the department of public health and human services and each public or private entity. The department of public health and human services may not provide workers' compensation coverage for individuals who are covered for workers' compensation purposes by another state or federal employment training program. Premiums and benefits must be based upon the wage that a probationary employee is paid for work of a similar nature at the assigned worksite.

(i) a member of a religious corporation, religious organization, or religious trust while performing services for the religious corporation, religious organization, or religious trust, as described in 39-71-117(1)(d).

(2) The terms defined in subsection (1) do not include a person who is:

(a) participating in recreational activity and who at the time is relieved of and is not performing prescribed duties, regardless of whether the person is using, by discount or otherwise, a pass, ticket, permit, device, or other emolument of employment;

(b) performing voluntary service at a recreational facility and who receives no compensation for those services other than meals, lodging, or the use of the recreational facilities;

(c) performing services as a volunteer, except for a person who is otherwise entitled to coverage under the laws of this state. As used in this subsection (2)(c), "volunteer" means a person who performs services on behalf of an employer, as defined in 39-71-117, but who does not receive wages as defined in 39-71-123.

(d) serving as a foster parent, licensed as a foster care provider in accordance with 52-2-621, and providing care without wage compensation to no more than six foster children in the provider's own residence. The person may receive reimbursement for providing room and board, obtaining training, respite care, leisure and recreational activities, and providing for other needs and activities arising in the provision of in-home foster care.

<u>(e) performing temporary agricultural work for an employer if the person performing the work is otherwise exempt from the requirement to obtain workers' compensation coverage under 39-71-401(2)(r) with respect to a company that primarily performs agricultural work at a fixed business location or under 39-71-401(2)(d) and is not required to obtain an independent</u>

contractor's exemption certificate under 39-71-417 because the person does not regularly perform agricultural work away from the person's own fixed business location. For the purposes of this subsection, the term "agricultural" has the meaning provided in 15-1-101(1)(a).

(3) With the approval of the insurer, an employer may elect to include as an employee under the provisions of this chapter any volunteer as defined in subsection (2)(c).

(4) (a) The term "volunteer firefighter" means a firefighter who is an enrolled and active member of a governmental fire agency organized under Title 7, chapter 33, except 7-33-4109.

(b) The term "volunteer hours" means all the time spent by a volunteer firefighter in the service of an employer, including but not limited to training time, response time, and time spent at the employer's premises.

(5) (a) If the employer is a partnership, limited liability partnership, sole proprietor, or a member-managed limited liability company, the employer may elect to include as an employee within the provisions of this chapter any member of the partnership or limited liability partnership, the owner of the sole proprietorship, or any member of the limited liability company devoting full time to the partnership, limited liability partnership, proprietorship, or limited liability company business.

(b) In the event of an election, the employer shall serve upon the employer's insurer written notice naming the partners, sole proprietor, or members to be covered and stating the level of compensation coverage desired by electing the amount of wages to be reported, subject to the limitations in subsection (5)(d). A partner, sole proprietor, or member is not considered an employee within this chapter until notice has been given.

(c) A change in elected wages must be in writing and is effective at the start of the next quarter following notification.

(d) All weekly compensation benefits must be based on the amount of elected wages, subject to the minimum and maximum limitations of this subsection (5)(d). For premium ratemaking and for the determination of the weekly wage for weekly compensation benefits, the electing employer may elect an amount of not less than $900 a month and not more than 1 1/2 times the state's average weekly wage.

(6) (a) If the employer is a quasi-public or a private corporation or a manager-managed limited liability company, the employer may elect to include as an employee within the provisions of this chapter any corporate officer or manager exempted under 39-71-401(2).

(b) In the event of an election, the employer shall serve upon the employer's insurer written notice naming the corporate officer or manager to be covered and stating the level of compensation coverage desired by electing the amount of wages to be reported, subject to the limitations in subsection (5)(d). A corporate officer or manager is not considered an employee within this chapter until notice has been given.

(c) A change in elected wages must be in writing and is effective at the start of the next quarter following notification.

(d) All weekly compensation benefits must be based on the amount of elected wages, subject to the minimum and maximum limitations of this subsection (6)(d). For premium ratemaking and for the determination of the weekly wage for weekly compensation benefits, the electing employer may elect an amount of not less than $200 a week and not more than 1 1/2 times the state's average weekly wage.

(7) (a) The trustees of a rural fire district, a county governing body providing rural fire protection, or the county commissioners or trustees for a fire service area may elect to include as an employee within the provisions of this chapter any volunteer firefighter. A volunteer firefighter

who receives workers' compensation coverage under this section may not receive disability benefits under Title 19, chapter 17.

(b) In the event of an election, the employer shall report payroll for all volunteer firefighters for premium and weekly benefit purposes based on the number of volunteer hours of each firefighter times the average weekly wage divided by 40 hours, subject to a maximum of 1 1/2 times the state's average weekly wage.

(c) A self-employed sole proprietor or partner who has elected not to be covered under this chapter, but who is covered as a volunteer firefighter pursuant to subsection (7)(a) and when injured in the course and scope of employment as a volunteer firefighter, may in addition to the benefits described in subsection (7)(b) be eligible for benefits at an assumed wage of the minimum wage established under Title 39, chapter 3, part 4, for 2,080 hours a year. The trustees of a rural fire district, a county governing body providing rural fire protection, or the county commissioners or trustees for a fire service area may make an election for benefits. If an election is made, payrolls must be reported and premiums must be assessed on the assumed wage.

(8) Except as provided in chapter 8 of this title, an employee or worker in this state whose services are furnished by a person, association, contractor, firm, limited liability company, limited liability partnership, or corporation, other than a temporary service contractor, to an employer, as defined in 39-71-117, is presumed to be under the control and employment of the employer. This presumption may be rebutted as provided in 39-71-117(3).

(9) A student currently enrolled in an elementary, secondary, or postsecondary educational institution who is participating in work-based learning activities and who is paid wages by the educational institution or business partner is the employee of the entity that pays the student's wages for all purposes under this chapter. A student who is not paid wages by the business partner or the educational institution is a volunteer and is subject to the provisions of this chapter.

(10) For purposes of this section, an "employee or worker in this state" means:

(a) a resident of Montana who is employed by an employer and whose employment duties are primarily carried out or controlled within this state;

(b) a nonresident of Montana whose principal employment duties are conducted within this state on a regular basis for an employer;

(c) a nonresident employee of an employer from another state engaged in the construction industry, as defined in 39-71-116, within this state; or

(d) a nonresident of Montana who does not meet the requirements of subsection (10)(b) and whose employer elects coverage with an insurer that allows an election for an employer whose:

(i) nonresident employees are hired in Montana;

(ii) nonresident employees' wages are paid in Montana;

(iii) nonresident employees are supervised in Montana; and

(iv) business records are maintained in Montana.

(11) An insurer may require coverage for all nonresident employees of a Montana employer who do not meet the requirements of subsection (10)(b) or (10)(d) as a condition of approving the election under subsection (10)(d)""

Insert: "NEW SECTION. **Section 2. Effective date.** [This act] is effective July 1, 2011."

And, as amended, do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 2/10/2011

HB 34, introduced by Schmidt
HB 90, introduced by McNutt
HB 309, introduced by Welborn
HB 384, introduced by Kerns

HB 49, introduced by Hands, requiring adoption by an affirmative roll call vote of two-thirds of all the members of the Legislature, passed the House and was transmitted to the Senate with the following vote:

2/10/2011

Yeas - 85
Nays - 15

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 307, introduced by Tutvedt, Knox, referred to State Administration.
SB 308, introduced by Larsen, referred to Judiciary.
SB 309, introduced by Kaufmann, referred to Public Health, Welfare and Safety.
SB 310, introduced by Kaufmann, referred to Public Health, Welfare and Safety.
SB 311, introduced by Gallus, referred to State Administration.

The following House bills were introduced, read first time, and referred to committees:

HB 34, introduced by Schmidt (by request of the Office of Budget and Program Planning), referred to Finance and Claims.
HB 40, introduced by K. Peterson, referred to State Administration.
HB 43, introduced by MacLaren, Sands (by request of the Children, Families, Health, and Human Services Interim Committee), referred to Business, Labor, and Economic Affairs.
HB 49, introduced by Hands (by request of the Office of Budget and Program Planning), referred to Finance and Claims.
HB 90, introduced by McNutt (by request of the Department of Administration), referred to Finance and Claims.
HB 102, introduced by Menahan (by request of the Law and Justice Interim Committee), referred to Judiciary.
HB 181, introduced by Arntzen, referred to Local Government.
HB 231, introduced by Brodehl, Miller, Klock, Greef, Burnett, Lavin, Connell, Jackson, Edmunds, Hale, Gibson, Skees, Taylor, Knox, Randall, O'Neil, Kary, Blasdel, Salomon, Ehli, referred to Local Government.
HB 300, introduced by Flynn, Olson, Klock, Berry, Stahl, Welborn, Balyeat, Ankney, Jackson, Keane, referred to Business, Labor, and Economic Affairs.

HB 309, introduced by Welborn, Hale, Stahl, B. Bennett, Ripley, Buttrey, Hamlett, F. Smith, Arthun, Olson, Warburton, Randall, Read, Augare, Kerns, Vance, Tutvedt, Debby Barrett, Blasdel, J. Peterson, referred to Agriculture, Livestock and Irrigation.
HB 315, introduced by MacDonald, Brown, McChesney, Branae, McClafferty, McNiven, Moss, referred to Business, Labor, and Economic Affairs.
HB 356, introduced by Hiner, referred to Education and Cultural Resources.
HB 367, introduced by MacLaren, Sonju, referred to Education and Cultural Resources.
HB 384, introduced by Kerns, referred to Judiciary.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Essmann moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Wittich in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 29 - Senator Moss moved **SB 29** do pass. Motion carried as follows:
Yeas: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gillan, Hamlett, Hawks, Jackson, Jent, Kaufmann, Keane, Larsen, Lewis, Moss, Mowbray, Shockley, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich.
Total 27

Nays: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Gallus, Hinkle, Jones, Lake, Moore, Murphy, Olson, Priest, Ripley, Sonju, Steinbeisser, Tutvedt, Vincent, Zinke, Mr. President.
Total 22

Absent or not voting: None.
Total 0

Excused: Hutton.
Total 1

SB 57 - Senator Vuckovich moved **SB 57** do pass. Motion carried as follows:
Yeas: Augare, Barrett, Blewett, Branae, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Ripley, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 41

Nays: Arthun, Balyeat, Brenden, Hinkle, Priest, Sonju, Tutvedt, Vincent.
Total 8

Absent or not voting: None.
Total 0

Excused: Hutton.
Total 1

SB 215 - Senator Gallus moved **SB 215** do pass. Motion carried as follows:
Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brenden, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Jackson, Jent, Jones, Kaufmann, Keane, Larsen, Lewis, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tropila, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Zinke, Mr. President.
Total 40

Nays: Balyeat, Brown, Hinkle, Lake, Moore, Stewart-Peregoy, Tutvedt, Windy Boy, Wittich.
Total 9

Absent or not voting: None.
Total 0

Excused: Hutton.
Total 1

SB 223 - Senator Zinke moved **SB 223** do pass. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 48

Nays: Tutvedt.
Total 1

Absent or not voting: None.
Total 0

Excused: Hutton.
Total 1

Senator Essmann moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Peterson in the chair. Chairman Wittich moved the Committee of the Whole report be adopted. Report adopted as follows:
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Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Jackson, Jent, Jones,

Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 48

Nays: Sonju.
Total 1

Absent or not voting: None.
Total 0

Excused: Hutton.
Total 1

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 210 passed as follows:
Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 47

Nays: Balyeat, Wittich.
Total 2

Absent or not voting: None.
Total 0

Excused: Hutton.
Total 1

SB 247 passed as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 44

Nays: Hinkle, Sonju, Tutvedt, Walker, Wittich.

Total 5

Absent or not voting: None.
Total 0

Excused: Hutton.
Total 1

SB 248 passed as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Hutton.
Total 1

MOTIONS

Senator Balyeat moved **SB 291** be moved from the Business, Labor, and Economic Affairs committee to the State Administration committee. Without objection, so ordered.

Senator Wanzenried inquired about the process the Senate would follow when re-referring a bill to the Finance and Claims committee. Minority Leader Williams stated she would like an opportunity to discuss the issue further with Majority leadership. Majority leadership agreed.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Essmann moved that the Senate adjourn until 8:00 a.m., Saturday, February 12, 2011. Motion carried.

Senate adjourned at 2:44 a.m.

MARILYN MILLER
Secretary of the Senate

JIM PETERSON
President of the Senate

SENATE JOURNAL
62ND LEGISLATURE
THIRTY-FIFTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
February 12, 2011 — State Capitol

Senate convened at 8:00 a.m. President Peterson presiding. Invocation by Chaplain Keith Johnson. Pledge of Allegiance to the Flag. Roll Call. All members present, except Senator Hutton, excused. Quorum present.

BILLS AND JOURNALS: 2/12/2011

Correctly printed: **SB 29**, **SB 57**, **SB 215**, **SB 223**, **HB 60**.
Correctly engrossed: **SB 111**, **SB 134**, **SB 144**, **SB 168**, **SB 184**, **SB 242, HB 54**.

REPORTS OF STANDING COMMITTEES

NATURAL RESOURCES (Barrett, Chairman): 2/11/2011
SB 206, introduced bill, be amended as follows:

1. Title, page 1, line 5.
Strike: "DESIGNATE"
Insert: "EXAMINE"

2. Title, page 1, line 6 through line 7.
Strike: "ISSUING" on line 6 through "FACILITIES;" on line 7
Insert: "CONDUCTING A REVIEW IN ACCORDANCE WITH THE MONTANA ENVIRONMENTAL POLICY ACT IN CONJUNCTION WITH AN APPLICATION FOR A CERTIFICATE UNDER THE MAJOR FACILITY SITING ACT;"

3. Title, page 1, line 8.
Following: "2;"
Insert: "REQUIRING FACILITIES TO BE SITED IN FEDERALLY DESIGNATED ENERGY CORRIDORS WHEN COMPATIBLE WITH OTHER SITING AND RELIABILITY REQUIREMENTS;"

4. Title, page 1, line 8.
Strike: "SECTION"
Insert: "SECTIONS 75-20-104, 75-20-301, AND"

5. Page 1.
Following: line 12
"Section 1. Section 75-20-104, MCA, is amended to read:
"75-20-104. Definitions. In this chapter, unless the context requires otherwise, the following definitions apply:
(1) "Addition thereto" means the installation of new machinery and equipment that would significantly change the conditions under which the facility is operated.

(2) "Application" means an application for a certificate submitted in accordance with this chapter and the rules adopted under this chapter.

(3) (a) "Associated facilities" includes but is not limited to transportation links of any kind, aqueducts, diversion dams, pipelines, storage ponds, reservoirs, and any other device or equipment associated with the delivery of the energy form or product produced by a facility.

(b) The term does not include a transmission substation, a switchyard, voltage support, or other control equipment or a facility or a natural gas or crude oil gathering line 25 inches or less in inside diameter.

(4) "Board" means the board of environmental review provided for in 2-15-3502.

(5) "Certificate" means the certificate of compliance issued by the department under this chapter that is required for the construction or operation of a facility.

(6) "Commence to construct" means:

(a) any clearing of land, excavation, construction, or other action that would affect the environment of the site or route of a facility but does not mean changes needed for temporary use of sites or routes for nonutility purposes or uses in securing geological data, including necessary borings to ascertain foundation conditions;

(b) the fracturing of underground formations by any means if the activity is related to the possible future development of a gasification facility or a facility employing geothermal resources but does not include the gathering of geological data by boring of test holes or other underground exploration, investigation, or experimentation;

(c) the commencement of eminent domain proceedings under Title 70, chapter 30, for land or rights-of-way upon or over which a facility may be constructed;

(d) the relocation or upgrading of an existing facility defined by subsection (8)(a) or (8)(b), including upgrading to a design capacity covered by subsection (8)(a), except that the term does not include normal maintenance or repair of an existing facility.

(7) "Department" means the department of environmental quality provided for in 2-15-3501.

(8) "Facility" means:

(a) each electric transmission line and associated facilities of a design capacity of more than 69 kilovolts, except that the term:

(i) does not include an electric transmission line and associated facilities of a design capacity of 230 kilovolts or less and 10 miles or less in length;

(ii) does not include an electric transmission line with a design capacity of more than 69 kilovolts but less than 230 kilovolts for which the person planning to construct the line has obtained right-of-way agreements or options for a right-of-way from more than 75% of the owners who collectively own more than 75% of the property along the centerline;

(iii) does not include an electric transmission line that is less than 150 miles in length and extends from an electrical generation facility, as defined in 15-24-3001(4), or a wind generation facility or biomass generation facility, as defined in 15-6-157, to the point at which the transmission line connects to a regional transmission grid at an existing transmission substation or other facility for which the person planning to construct the line has obtained right-of-way agreements or options for a right-of-way from more than 75% of the owners who collectively own more than 75% of the property along the centerline;

(iv) does not include an upgrade to an existing transmission line to increase that line's capacity to less than or equal to 230 kilovolts, including construction outside the existing easement or right-of-way. Except for a newly acquired easement or right-of-way necessary to comply with electromagnetic field standards, a newly acquired easement or right-of-way outside the existing

easement or right-of-way as described in this subsection (8)(a)(iv) may not exceed a total of 10 miles in length or be more than 10% of the existing transmission right-of-way, whichever is greater, and the purpose of the easement must be to avoid sensitive areas or inhabited areas.

(v) does not include a transmission substation, a switchyard, voltage support, or other control equipment;

(b) (i) each pipeline, whether partially or wholly within the state, greater than 25 inches in inside diameter and 50 miles in length, and associated facilities, except that the term does not include:

(A) a pipeline within the boundaries of the state that is used exclusively for the irrigation of agricultural crops or for drinking water; or

(B) a pipeline greater than 25 inches in inside diameter and 50 miles in length for which the person planning to construct the pipeline has obtained right-of-way agreements or options for a right-of-way from more than 75% of the owners who collectively own more than 75% of the property along the centerline;

(ii) each pipeline, whether partially or wholly within the state, greater than 17 inches in inside diameter and 30 miles in length, and associated facilities used to transport coal suspended in water;

(c) any use of geothermal resources, including the use of underground space in existence or to be created, for the creation, use, or conversion of energy, designed for or capable of producing geothermally derived power equivalent to 50 megawatts or more or any addition thereto, except pollution control facilities approved by the department and added to an existing plant; or

(d) for the purposes of 75-20-204 only, a plant, unit, or other facility capable of generating 50 megawatts of hydroelectric power or more or any addition thereto.

(9) "Person" means any individual, group, firm, partnership, corporation, limited liability company, cooperative, association, government subdivision, government agency, local government, or other organization or entity.

(10) "Sensitive areas" means government-designated areas that have been recognized for their importance to Montana's wildlife, wilderness, culture, and historic heritage, including but not limited to national wildlife refuges, state wildlife management areas, federal areas of critical environmental concern, state parks and historic sites, designated wilderness areas, wilderness study areas, designated wild and scenic rivers, or national parks, monuments, or historic sites.

(11) "Transmission substation" means any structure, device, or equipment assemblage, commonly located and designed for voltage regulation, circuit protection, or switching necessary for the construction or operation of a proposed transmission line.

(12) "Transmission reliability agencies" means the federal energy regulatory commission, the western electricity coordinating council, the national electric reliability council, and the Midwest reliability organization.

~~(12)~~(13) "Upgrade" means to increase the electrical carrying capacity of a transmission line by actions including but not limited to:

(a) installing larger conductors;

(b) replacing insulators;

(c) replacing pole or tower structures; or

(d) changing structure spacing, design, or guying.

~~(13)~~(14) "Utility" means any person engaged in any aspect of the production, storage, sale, delivery, or furnishing of heat, electricity, gas, hydrocarbon products, or energy in any form for ultimate public use."

Insert: "Section 2. Section 75-20-301, MCA, is amended to read:

"75-20-301. Decision of department -- findings necessary for certification. (1) Within 30 days after issuance of the report pursuant to 75-20-216 for facilities defined in 75-20-104(8)(a) and (8)(b), the department shall approve a facility as proposed or as modified or an alternative to a proposed facility if the department finds and determines:

(a) the basis of the need for the facility;

(b) the nature of the probable environmental impact;

(c) that the facility minimizes adverse environmental impact, considering the state of available technology and the nature and economics of the various alternatives;

(d) in the case of an electric, gas, or liquid transmission line or aqueduct:

(i) what part, if any, of the line or aqueduct will be located underground;

(ii) that the facility is consistent with regional plans for expansion of the appropriate grid of the utility systems serving the state and interconnected utility systems; and

(iii) that the facility will serve the interests of utility system economy and reliability;

(e) that the location of the facility as proposed conforms to applicable state and local laws and regulations, except that the department may refuse to apply any local law or regulation if it finds that, as applied to the proposed facility, the law or regulation is unreasonably restrictive in view of the existing technology, of factors of cost or economics, or of the needs of consumers, whether located inside or outside the directly affected government subdivisions;

(f) that the facility will serve the public interest, convenience, and necessity;

(g) that the department or board has issued any necessary air or water quality decision, opinion, order, certification, or permit as required by 75-20-216(3); and

(h) that the use of public lands or federally designated energy corridors for location of ~~the~~ a facility defined in 75-20-104(8)(a) or (8)(b) was evaluated and public lands or federally designated energy corridors for that facility were selected whenever their use ~~is as economically practicable as the use of private lands~~ was compatible with:

(i) the requirements of subsections (1)(a) through (1)(g); and

(ii) transmission line reliability criteria established by transmission reliability agencies for a facility defined in 75-20-104(8)(a).

(2) In determining that the facility will serve the public interest, convenience, and necessity under subsection (1)(f), the department shall consider:

(a) the items listed in subsections (1)(a) and (1)(b);

(b) the benefits to the applicant and the state resulting from the proposed facility;

(c) the effects of the economic activity resulting from the proposed facility;

(d) the effects of the proposed facility on the public health, welfare, and safety;

(e) any other factors that it considers relevant.

(3) Within 30 days after issuance of the report pursuant to 75-20-216 for a facility defined in 75-20-104(8)(c), the department shall approve a facility as proposed or as modified or an alternative to a proposed facility if the department finds and determines:

(a) that the facility or alternative incorporates all reasonable, cost-effective mitigation of significant environmental impacts; and

(b) that unmitigated impacts, including those that cannot be reasonably quantified or valued in monetary terms, will not result in:

(i) a violation of a law or standard that protects the environment; or

(ii) a violation of a law or standard that protects the public health and safety.

(4) For facilities defined in 75-20-104, if the department cannot make the findings required in this section, it shall deny the certificate.""
Renumber: subsequent sections

6. Page 2, line 15.
Following: the first "the"
Strike: "certificate issued"
Insert: "environmental review conducted pursuant to Title 75, chapter 1, parts 1 through 3, prepared"

7. Page 2.
Following: line 16
Insert: "(b) The department shall site a corridor of at least 500 feet in width for the facility within the 1-mile-wide corridor in accordance with 75-20-301."
Renumber: subsequent subsections

8. Page 2, line 17.
Strike: "A"
Insert: "If the certificate holder complies with subsection (6), a"
Strike: "site"
Insert: "modify the siting of"
Strike: "facility siting"

9. Page 2, line 17 through line 18.
Strike: "pursuant" on line 17 through "(5)(a)" on line 18

10. Page 2, line 18.
Strike: "and"
Insert: "if the alternate siting is done"

11. Page 2, line 20 through line 21.
Strike: subsection (c) in its entirety
Insert: "(6) (a) A certificate holder may submit an adjustment of the location of a facility outside the corridor designated pursuant to subsection (5) to the department. The adjustment must be accompanied by the written agreement of the affected property owner and all contiguous property owners that would be affected. The submission must include a map showing the approved facility location and the proposed adjustment.

(b) The certificate holder may construct the facility as described in the submission unless the department notifies the certificate holder within 15 days of the submission that the department has determined that:

(i) the adjustment would change the basis of any finding required under 75-20-301 to the extent that the department would have selected a different location for the facility; or

(ii) the adjustment would materially increase unmitigated adverse impacts.

(c) Siting of a facility within the corridor designated pursuant to subsection (5) or an adjustment pursuant to subsection (6)(a) is not subject to:

(i) Title 75, chapter 1, part 2;
(ii) a certificate amendment under 75-20-219; or
(iii) a board review under 75-20-223."

And, as amended, do pass. Report adopted.

SB 267, do pass. Report adopted.
SJR 10, introduced joint resolution, be amended as follows:

1. Title, page 1, line 5.
Following: "TO"
Insert: "USE EXISTING FEDERAL LAWS TO"

2. Page 1, line 9.
Strike: "are likely to"
Insert: "could"

3. Page 1, line 11 through line 13.
Strike: line 11 through line 13 in their entirety
Insert: "WHEREAS, federal laws, such as the Clean Air Act, were never intended or designed to regulate greenhouse gases; and
WHEREAS, Montana's two U.S. senators have gone on record that Congress, not just the EPA, is the appropriate venue to consider greenhouse gas regulations; and"

4. Page 1, line 15.
Following: "obtain"
Insert: "some of"

5. Page 1, line 16.
Strike: line 16 in its entirety

6. Page 1, line 20 through line 21.
Strike: line 20 through line 21 in their entirety

7. Page 2, line 3.
Strike: the first "and" through the second "taxes"

8. Page 2, line 14 through line 15.
Strike: line 14 through line 15 in their entirety

9. Page 2, line 23 through line 25.
Strike: "public" on line 23 through "because" on line 25

10. Page 2, line 29.
Following: "Congress"
Insert: "consider"

11. Page 2, line 30.
Strike: "adopt"
Insert: "adopting"
Strike: ", by any means necessary,"
Following: "from"
Strike: "regulating"
Insert: "utilizing existing federal laws to regulate"

12. Page 3, line 2.
Strike: "impose"
Insert: "imposing"

13. Page 3, line 4.
Strike: "," through "activities"

14. Page 3, line 5.
Strike: "require"
Insert: "requiring"

And, as amended, do pass. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Priest, Chairman): 2/11/2011
HB 19, be concurred in. Report adopted.
HB 74, be concurred in. Report adopted.

STATE ADMINISTRATION (Shockley, Chairman): 2/11/2011
SB 229, introduced bill, be amended as follows:

1. Title, page 1, line 4.
Following: "AUTHORIZING"
Insert: "CERTAIN"

2. Page 1, line 12.
Following: "part"
Insert: "that manages or operates an irrigation project"

And, as amended, do pass. Report adopted.

STATE ADMINISTRATION (Shockley, Chairman): 2/11/2011
SB 54, introduced bill, be amended as follows:

1. Title, page 1, line 16.
Following: "SERVICE;"
Insert: "PROVIDING FOR AN ALTERNATE RETIREMENT SYSTEM MATCH FOR VESTING BASED ON A RULING FROM THE INTERNAL REVENUE SERVICE;"

2. Page 4, line 11.
Strike: "24"
Insert: "25"

3. Page 5, line 28.
Following: "23"
Insert: "or 24"

4. Page 8, line 3.
Strike: "26"
Insert: "27"

5. Page 8, line 4.
Strike: "26"
Insert: "27"

6. Page 8, line 13.
Strike: "24"
Insert: "25"

7. Page 10, line 12.
Strike: "25"
Insert: "26"

8. Page 20, line 28.
Strike: "26"
Insert: "27"

9. Page 22, line 7.
Following: "23"
Insert: "or 24"

10. Page 22, line 25.
Following: line 24
Insert: "NEW SECTION. **Section 24. Tier two member vesting in retirement system match.** A tier two member has a right to a retirement system match of 100% of the member's accumulated contributions after the member has earned at least 10 years of creditable service."
Renumber: subsequent sections

11. Page 23, line 4 through line 10.
Strike: subsections (3) and (4) in their entirety

12. Page 24, line 5.
Strike: "26"
Insert: "27"

13. Page 24, line 14.
Strike: "29"
Insert: "30"

14. Page 24, line 18.
Strike: "26"
Insert: "27"

15. Page 24, line 20.
Strike: "26"
Insert: "27"

16. Page 24, line 21.
Following: "service"
Insert: ", including which retirement system match for vesting was approved"

17. Page 24, line 26.
Strike: "26"
Insert: "27"

18. Page 24, line 27.
Strike: "26"
Insert: "27"

19. Page 24, line 29.
Strike: "contingency"
Insert: "contingencies"
Strike: "subsection"
Insert: "subsections"
Following: "(2)"
Insert: "and (3)"

20. Page 24, line 30.
Strike: "29"
Insert: "30"

21. Page 25, line 1.
Strike: "27"

Insert: "28"
Strike: "29"
Insert: "30"

22. Page 25, line 2.
Following: line 1
Insert: "(3) If the teachers' retirement board certifies that [section 23] cannot be implemented due to an unfavorable ruling from the internal revenue service, [section 23] is void and [section 24] is effective upon certification and notification of the code commissioner pursuant to [section 30]."

And, as amended, do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 2/11/2011

HB 174, introduced by Kerns
HB 273, introduced by Mehlhoff
HB 288, introduced by Sands
HB 327, introduced by McClafferty

MOTIONS

Senator Olson moved **HB 198** be moved from the Judiciary committee to the Energy and Telecommunications committee. Without objection, so ordered.

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 312, introduced by Vincent, G. Bennett, Cuffe, Hamlett, Murphy, Wagner, Keane, referred to Natural Resources.
SB 313, introduced by J. Peterson, referred to Agriculture, Livestock and Irrigation.
SB 314, introduced by Jent, referred to Taxation.
SB 315, introduced by Ripley, Debby Barrett, Balyeat, Lewis, referred to Education and Cultural Resources.
SB 316, introduced by Jackson, referred to Natural Resources.
SB 317, introduced by Vincent, Hale, Cook, Kerns, G. Bennett, Hinkle, Brenden, Mowbray, MacLaren, Debby Barrett, Lewis, Tutvedt, Steinbeisser, Buttrey, Flynn, Jackson, Balyeat, Essmann, J. Peterson, McGillvray, Warburton, McNutt, Cuffe, Ingraham, Taylor, Hendrick, Blyton, Kary, Olson, Priest, Ripley, Walker, Edmunds, C. Smith, Milburn, Moore, Jones, Roberts, Wittich, Ehli, Read, Stahl, Osmundson, Sonju, Loney, Lavin, Connell, referred to Natural Resources.
SB 318, introduced by Essmann, referred to Taxation.
SB 319, introduced by Essmann, referred to Highways and Transportation.

SB 320, introduced by Jones, Cook, Klock, Olson, referred to Energy and Telecommunications.
SB 321, introduced by Balyeat, Kerns, Shockley, Greef, Ankney, O'Neil, Brenden, Zinke, Knox, Vance, Moore, Warburton, Randall, C. Smith, Blasdel, Brodehl, Wittich, Burnett, Balyeat, Hinkle, Jones, Arthun, Ripley, Steinbeisser, Jackson, G. Bennett, Brown, referred to State Administration.
SB 322, introduced by Balyeat, C. Smith, Zinke, Brodehl, Warburton, Blasdel, Shockley, Kerns, O'Neil, Knox, Vance, Ankney, Ripley, Steinbeisser, Jones, Jackson, Brenden, G. Bennett, referred to Judiciary.
SB 323, introduced by Balyeat, Brenden, Hinkle, Ripley, Steinbeisser, Jones, Jackson, Vance, Berry, Blasdel, Arthun, Stahl, Kerns, O'Neil, Knox, Lavin, Ankney, Randall, C. Smith, Brodehl, Warburton, Moore, Priest, referred to Judiciary.
SB 324, introduced by Balyeat, Burnett, Olson, Arthun, Wittich, Brenden, Balyeat, Vincent, Jackson, Jones, Buttrey, Murphy, Berry, Shockley, Ripley, Steinbeisser, O'Neil, Priest, Kerns, Mowbray, Ankney, Blasdel, Essmann, G. Bennett, Brown, Zinke, C. Smith, Knox, Moore, Vance, Tutvedt, Warburton, Lake, Kennedy, Brodehl, referred to Judiciary.
SB 325, introduced by Balyeat, Arthun, Hinkle, Jones, Jackson, Steinbeisser, Ripley, Olson, Lake, Ankney, Kennedy, Greef, Shockley, Brodehl, Zinke, Knox, Wittich, Kerns, Vance, Randall, Blasdel, Brenden, Warburton, Moore, C. Smith, referred to State Administration.
SB 326, introduced by Larsen, Moss, Furey, Beck, Branae, Gallus, Jent, Facey, Belcourt, O'Hara, Erickson, Steinbeisser, Greef, C. Williams, Wanzenried, Keane, Shockley, Brown, Murphy, Blewett, Augare, Hamlett, B. Bennett, Van Dyk, Zinke, Arthun, Hawks, referred to State Administration.
SB 327, introduced by Larsen, referred to Natural Resources.
SB 328, introduced by Lewis, referred to State Administration.
SB 329, introduced by Zinke, Moore, Jones, Branae, Hawks, Ripley, Brown, Stewart-Peregoy, Reichner, Facey, Olson, Hansen, referred to Education and Cultural Resources.
SB 330, introduced by Walker, referred to Energy and Telecommunications.
SB 331, introduced by Jent, referred to Business, Labor, and Economic Affairs.
SB 332, introduced by Van Dyk, C. Williams, Hands, Kaufmann, Erickson, Wanzenried, Branae, Gillan, MacDonald, Caferro, Augare, Blewett, Gallus, Jent, Stewart-Peregoy, Larsen, Hamlett, McNally, Facey, Sesso, Hill, Phillips, Kennedy, B. Bennett, Vuckovich, Windy Boy, Moss, Hawks, referred to Energy and Telecommunications.
SB 333, introduced by Shockley, referred to Taxation.
SB 334, introduced by Shockley, referred to Judiciary.
SB 335, introduced by Shockley, referred to Judiciary.
SB 336, introduced by Wanzenried, Lewis, referred to Judiciary.
SB 337, introduced by Blewett, Shockley, Jent, referred to Judiciary.
SB 338, introduced by Arthun, referred to State Administration.
SB 339, introduced by Moore, referred to Agriculture, Livestock and Irrigation.

The following Senate joint resolutions were introduced, read first time, and referred to committees:

SJR 12, introduced by Walker, Ripley, Jones, Zinke, Ankney, McChesney, Hinkle, Olson, Vincent, Brodehl, Arthun, referred to Energy and Telecommunications.
SJR 13, introduced by Facey, Van Dyk, Hamlett, Tutvedt, referred to Fish and Game.

The following House bills were introduced, read first time, and referred to committees:

HB 174, introduced by Kerns, Vance, Randall, Warburton, Taylor, Kary, Wittich, Miller, C. Smith, Kennedy, referred to Judiciary.
HB 273, introduced by Mehlhoff, Hollandsworth, Balyeat, Ripley, Belcourt, Loney, Jones, Welborn, Wagner, Olson, referred to Agriculture, Livestock and Irrigation.
HB 288, introduced by Sands, Arntzen, Pease-Lopez, Sesso, Hiner, Reinhart, Hollenbaugh, B. Bennett, Hunter, Court, McClafferty, Belcourt, MacDonald, Hands, O'Hara, Furey, Hill, Swanson, Driscoll, Kaufmann, Squires, Boland, Schmidt, Olson, C. Williams, referred to Education and Cultural Resources.
HB 327, introduced by McClafferty, Phillips, Mehlhoff, Sesso, Noonan, Malek, Ripley, Wilmer, Brown, F. Smith, MacDonald, Pease-Lopez, Salomon, B. Bennett, Reinhart, Driscoll, Court, Boland, referred to Education and Cultural Resources.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Essmann moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Windy Boy in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 89 - Senator Wittich moved **SB 89** do pass. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Jackson, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 48

Nays: Jent.
Total 1

Absent or not voting: None.
Total 0

Excused: Hutton.
Total 1

HB 21 - Senator Erickson moved **HB 21** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley,

Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Hutton.
Total 1

HB 60 - Senator Buttrey moved **HB 60** be concurred in. Motion carried as follows:
Yeas: Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 47

Nays: Arthun, Jackson.
Total 2

Absent or not voting: None.
Total 0

Excused: Hutton.
Total 1

Senator Essmann moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Peterson in the chair. Chairman Windy Boy moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Hutton.
Total 1

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 29 passed as follows:
Yeas: Augare, Barrett, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jackson, Jent, Kaufmann, Keane, Larsen, Moss, Shockley, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 25

Nays: Arthun, Balyeat, Brenden, Brown, Buttrey, Essmann, Hinkle, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 24

Absent or not voting: None.
Total 0

Excused: Hutton.
Total 1

SB 57 passed as follows:
Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Ripley, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Mr. President.
Total 41

Nays: Balyeat, Brenden, Hinkle, Priest, Sonju, Tutvedt, Vincent, Zinke.
Total 8

Absent or not voting: None.
Total 0

Excused: Hutton.
Total 1

SB 215 passed as follows:
Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brenden, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen,

Lewis, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Sonju, Tropila, Van Dyk, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 39

Nays: Balyeat, Brown, Hinkle, Moore, Shockley, Steinbeisser, Stewart-Peregoy, Tutvedt, Vincent, Wittich.
Total 10

Absent or not voting: None.
Total 0

Excused: Hutton.
Total 1

SB 223 passed as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 48

Nays: Tutvedt.
Total 1

Absent or not voting: None.
Total 0

Excused: Hutton.
Total 1

SPECIAL ORDERS OF THE DAY

Senator Brown thanked the pages for their work during the week of February 7-12, 2011.

Senator Lewis presented the projected budget schedule. Minority Leader Williams wondered why the projected revenue was presented so early in the session. President Peterson clarified the Legislative Fiscal Division would be updating the numbers, and the revenue estimates are with the Senate Taxation committee.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Essmann moved that the Senate adjourn until 1:00 p.m., Monday, February 14, 2011. Motion carried.

Senate adjourned at 8:38 a.m.

MARILYN MILLER
Secretary of the Senate

JIM PETERSON
President of the Senate

SENATE JOURNAL
62ND LEGISLATURE
THIRTY-SIXTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
February 14, 2011 — State Capitol

Senate convened at 1:00 p.m. President Peterson presiding. Invocation by Chaplain Keith Johnson. Pledge of Allegiance to the Flag. Roll Call. All members present. Quorum present.

Mr. President: We, your committee on Bills and Journals, having examined the daily journals for the twenty-first, twenty-second, twenty-fourth, and twenty-fifth legislative days, find the same to be correct.

Senator Brown, Chair

BILLS AND JOURNALS: 2/14/2011

Correctly printed: **SB 89**, **SB 267**, **HB 19**, **HB 21**, **HB 60**, **HB 74**.
Correctly engrossed: **SB 54**, **SB 206**, **SB 229**, **SJ 10**.

LEGISLATIVE ADMINISTRATION (Brown, Chairman): 2/14/2011
MR. PRESIDENT:
We, your committee on Legislative Administration recommend that employment of the following attaches of the Senate be terminated as of 12:00 p.m., Saturday, February 12, 2011:

TITLE	NAME
Pages:	Anna Williams, Bozeman
	Catherine Alvernaz, Glasgow
	Lauren Buechler, Malta
	Hailey Muller, Billings
	Jeanne Breakall, Twin Bridges

and recommend that the following attaches of the Senate be employed as of 8:00 a.m., Monday, February 14, 2011:

TITLE	NAME
Pages:	John Miller, Judith Gap
	Morgan Simkins, Missoula
	Sean Van Horssen, Helena
	Megan Henke, Chester
	Brendan Hooks, Helena
	Shadya Jarecke, Joliet
	Katie Lesh, Miles City

Report Adopted.

REPORTS OF STANDING COMMITTEES

JUDICIARY (Murphy, Chairman): 2/14/2011
SB 42, introduced bill, be amended as follows:

1. Title, line 7.
Following: "SAMPLES"
Insert: "IF THE OFFENDER HAS A PRIOR REFUSAL OR CONVICTION OR PENDING OFFENSE"

2. Title, line 8 through line 9.
Following: "TESTING" on line 8
Strike: remainder of line 8 through "TESTING" on line 9

3. Title, line 10.
Following: "61-8-404,"
Strike: "AND"
Following: "61-8-405,"
Insert: "AND 61-8-409,"

4. Page 1, line 24 through page 2, line 8.
Strike: section 2 in its entirety
Renumber: subsequent sections

5. Page 3, line 1 through line 2.
Following: "~~, but~~" on line 1
Strike: remainder of line 1 through "refusal,"
Insert: "except as provided in subsection (5), but"

6. Page 3, line 7.
Strike: "(6)"
Insert: "(7)"

7. Page 3, line 8.
Insert: "(5) If the arrested person has refused to provide a breath, blood, or urine sample under 61-8-409 or this section in a prior investigation in this state or under a substantially similar statute in another jurisdiction or the arrested person has a prior conviction or pending offense for a violation of 45-5-104, 45-5-106, 45-5-205, 61-8-401, or 61-8-406 or a similar statute in another jurisdiction, the officer may obtain a search warrant to collect a sample of the person's blood for testing."
Renumber: subsequent subsections

8. Page 3, line 12.
Following: "subsection"
Strike: "(6)(b)"

Insert: "(7)(b)"

9. Page 3, line 25.
Following: "subsection"
Strike: "(6)(b)"
Insert: "(7)(b)"

10. Page 6, line 8.
Insert: "Section 5. Section 61-8-409, MCA, is amended to read:

"61-8-409. Preliminary alcohol screening test. (1) A person who operates or is in actual physical control of a vehicle upon ways of this state open to the public is considered to have given consent to a preliminary alcohol screening test of the person's breath, for the purpose of estimating the person's alcohol concentration, upon the request of a peace officer who has a particularized suspicion that the person was driving or in actual physical control of a vehicle upon ways of this state open to the public while under the influence of alcohol or in violation of 61-8-410.

(2) The person's obligation to submit to a test under 61-8-402 is not satisfied by the person submitting to a preliminary alcohol screening test pursuant to this section.

(3) The peace officer shall inform the person of the right to refuse the test and that the refusal to submit to the preliminary alcohol screening test will result in the suspension for up to 1 year of that person's driver's license.

(4) If the person refuses to submit to a test under this section, a test will not be given except as provided in 61-8-402(5). However, the refusal is sufficient cause to suspend the person's driver's license as provided in 61-8-402.

(5) A hearing as provided for in 61-8-403 must be available. The issues in the hearing must be limited to determining whether a peace officer had a particularized suspicion that the person was driving or in actual physical control of a vehicle upon ways of this state open to the public while under the influence of alcohol or in violation of 61-8-410 and whether the person refused to submit to the test.

(6) The provisions of 61-8-402(3) through ~~(8)~~ (9) that do not conflict with this section are applicable to refusals under this section. If a person refuses a test requested under 61-8-402 and this section for the same incident, the department may not consider each a separate refusal for purposes of suspension under 61-8-402.

(7) A test may not be conducted or requested under this section unless both the peace officer and the instrument used to conduct the preliminary alcohol screening test have been certified by the department pursuant to rules adopted under the authority of 61-8-405(5)."
Renumber: subsequent sections

11. Page 6, line 9 through line 10.
Strike: section 6 in its entirety
Renumber: subsequent sections

And, as amended, do pass. Report adopted.

SB 97, do pass. Report adopted.
SB 268, do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 2/12/2011

HB 42, introduced by Hollenbaugh
HB 93, introduced by Furey
HB 179, introduced by Knox
HB 307, introduced by Burnett

House joint resolution passed and transmitted to the Senate for concurrence: 2/12/2011

HJR 6, introduced by Connell

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 340, introduced by Vincent, referred to Local Government.
SB 341, introduced by Moore, referred to Business, Labor, and Economic Affairs.
SB 342, introduced by Buttrey, Balyeat, Vincent, Hinkle, Essmann, Brown, Sonju, Mowbray, Jackson, Olson, Priest, referred to Business, Labor, and Economic Affairs.
SB 343, introduced by Jackson, Taylor, Murphy, O'Hara, Edmunds, Walker, Vincent, Mowbray, McGillvray, Harris, Lewis, G. Bennett, Salomon, Blewett, Augare, Gallus, Larsen, Ingraham, Beck, Zinke, Mehlhoff, Caferro, O'Neil, Hendrick, Facey, Vance, Branae, Kaufmann, Osmundson, Arntzen, Hawks, Wanzenried, Moss, Loney, Arthun, Priest, J. Peterson, Regier, Blasdel, Sesso, Reichner, Brodehl, Connell, Skees, Hoven, Read, Skattum, Hamlett, K. Williams, Hale, Lavin, referred to Agriculture, Livestock and Irrigation.
SB 344, introduced by Priest, referred to Judiciary.
SB 345, introduced by Wittich, referred to Local Government.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Essmann moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Ripley in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 58 - Senator Moss moved **SB 58** do pass. Motion carried as follows:
Yeas: Augare, Balyeat, Blewett, Branae, Brown, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Kaufmann, Keane, Larsen, Moore, Moss, Mowbray, Shockley, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 33

Nays: Arthun, Barrett, Brenden, Buttrey, Essmann, Hinkle, Jones, Lake, Lewis, Murphy, Olson, Priest, Ripley, Sonju, Steinbeisser, Vincent, Walker.
Total 17

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 185 - Senator Wanzenried moved **SB 185** do pass. Motion carried as follows:
Yeas: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Mowbray, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke.
Total 26

Nays: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Murphy, Olson, Priest, Ripley, Sonju, Tutvedt, Vincent, Walker, Wittich, Mr. President.
Total 24

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 54 - Senator Moore moved **HB 54** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 89 - Senator Balyeat moved **HB 89** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 48

Nays: Facey, Tropila.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Essmann moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Peterson in the chair. Chairman Ripley moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 46

Nays: Balyeat, Brenden, Sonju, Vincent.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 89 passed as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent,

Jones, Kaufmann, Keane, Lake, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: Larsen.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 21 concurred in as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 60 concurred in as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SPECIAL ORDERS OF THE DAY

Senator Brown introduced the pages for the week of February 14-19, 2011.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Essmann moved that the Senate adjourn until 2:00 p.m., Tuesday, February 15, 2011. Motion carried.

Senate adjourned at 2:58 p.m.

MARILYN MILLER
Secretary of the Senate

JIM PETERSON
President of the Senate

SENATE JOURNAL
62ND LEGISLATURE
THIRTY-SEVENTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
February 15, 2011 — State Capitol

Senate convened at 2:00 p.m. President Peterson presiding. Invocation by Chaplain Keith Johnson. Pledge of Allegiance to the Flag. Roll Call. All members present. Quorum present.

BILLS AND JOURNALS: 2/15/2011

Correctly printed: **SB 58**, **SB 97**, **SB 185**, **SB 268**, **HB 54**, **HB 89**.
Correctly engrossed: **SB 42**.

REPORTS OF STANDING COMMITTEES

STATE ADMINISTRATION (Shockley, Chairman): 2/15/2011
SB 307, do pass. Report adopted.

TAXATION (Tutvedt, Chairman): 2/15/2011
SB 1, introduced bill, be amended as follows:

1. Title, page 1, line 5.
Following: "IN A"
Insert: "SPECIAL IMPROVEMENT DISTRICT OR"

2. Title, page 1, line 6.
Strike: "CHANGES"
Insert: "INCREASES"
Following: "CHANGES;"
Insert: "REQUIRING NOTICE OF POSSIBLE RECALCULATIONS DURING THE CREATION OF THE DISTRICT;"
Strike: "SECTION"
Insert: "SECTIONS 7-12-2103, 7-12-2105,"
Following: "7-12-2151,"
Insert: "7-12-4104, 7-12-4106, 7-12-4161, AND 7-12-4162,"
Strike: "AN"
Insert: "A DELAYED"

3. Title, page 1, line 7.
Following: "DATE"
Insert: "AND AN APPLICABILITY DATE"

4. Page 1, line 10.
Insert: "Section 1. Section 7-12-2103, MCA, is amended to read:
"7-12-2103. Resolution of intention to create rural improvement district. (1) Before

creating a special improvement district for the purpose of making any of the improvements or acquiring any private property for any purpose authorized by this part, the board of county commissioners shall pass a resolution of intention.

(2) The resolution must:

(a) designate the number of the district;

(b) describe the boundaries of the district;

(c) state in the resolution the general character of the improvements that are to be made;

(d) designate the name of the engineer who is to have charge of the work and an approximate estimate of the cost of the work; ~~and~~

(e) specify the method or methods by which the costs of the improvements will be assessed against property in the district; and

(f) if the method of assessment is that described in 7-12-2151(1)(d), specify that if an increase occurs in the number of benefited lots, tracts, or parcels within the boundaries of the district during the term of the bonded indebtedness, the assessment per lot, tract, or parcel then in the district will be recalculated as provided in 7-12-2151(4).

(3) The board of county commissioners may include, in one proceeding under one resolution of intention and in one contract, any of the different kinds of improvements or work provided for in this part and may include any number of streets and rights-of-way or portions of streets and rights-of-way, and it may exempt any of the work already done upon a street to the official grade.""

"Section 2. Section 7-12-2105, MCA, is amended to read:

"7-12-2105. Notice of resolution of intention to create district -- hearing -- exception. (1) Upon passage of a resolution of intention pursuant to 7-12-2103, the board of county commissioners shall publish notice of the passage as provided in 7-1-2121.

(2) A copy of the notice must be mailed, as provided in 7-1-2122, to each person, firm, or corporation or the agent of the person, firm, or corporation owning real property within the proposed district listed in the owner's name upon the last-completed assessment roll for state, county, and school district taxes.

(3) (a) The notice must describe the general character of the improvements proposed to be made or acquired by purchase, state the estimated cost of the improvements, describe generally the method or methods by which the costs of the improvements will be assessed, and designate the time when and the place where the board will hear and pass upon all protests that may be made against the making or maintenance of the improvements or the creation of the district. If the method of assessment described in 7-12-2151(1)(d) is used, the notice must state that if an increase occurs in the number of benefited lots, tracts, or parcels within the boundaries of the district during the term of the bonded indebtedness, the assessment per lot, tract, or parcel then in the district will be recalculated as provided in 7-12-2151(4).

(b) If the revolving fund is to be pledged to secure the payment of bonds and warrants, the notice must include a statement that, subject to the limitations in 7-12-2182:

(i) the county general fund may be used to provide loans to the revolving fund; or

(ii) a general tax levy may be imposed on all taxable property in the county to meet the financial requirements of the revolving fund.

(c) The notice must refer to the resolution on file in the office of the county clerk for the description of the boundaries. If the proposal is for the purchase of an existing improvement, the notice must state the exact purchase price of the existing improvement.

(4) The provisions of this section do not apply to a resolution of intention to create a district that is passed upon receipt of a petition as provided in 7-12-2102(2)."
Renumber: subsequent sections

5. Page 2, line 5.
Following: "improvements."
Insert: "If the method of assessment described in subsection (1)(d) is used, the resolution of intention under 7-12-2103 and notice under 7-12-2105 must provide that if an increase occurs in the number of benefited lots, tracts, or parcels within the boundaries of the district during the term of the bonded indebtedness, the assessment per lot, tract, or parcel then in the district will be recalculated as provided in subsection (4)."

6. Page 2, line 9.
Following: "If"
Insert: "the method specified for assessment is that provided in subsection (1)(d) and"

7. Page 2, line 10.
Strike: "established"
Insert: "created"
Following: "part"
Insert: "during the term of bonded indebtedness that is payable from the assessments"

8. Page 2, line 11.
Following: "parcel."
Insert: "The board shall comply with the provisions of sections 7-12-2158 through 7-12-2160 in adopting the recalculated amount."

9. Page 2, line 12 through line 15.
Strike: "In" through ", the" on line 12
Insert: "The"
Strike: ":" on line 12 through "(ii)" on line 15
Strike: "and" on line 15
Insert: "for the current fiscal year and shall spread the assessments across the district based on"

10. Page 2, line 16.
Strike: "on January"
Insert: "as of August"

11. Page 2, line 18.
Insert: "Section 4. Section 7-12-4104, MCA, is amended to read:
"7-12-4104. Resolution of intention to create special improvement district. (1) Before creating any special improvement district for the purpose of making any of the improvements or acquiring any private property for any purpose authorized by this part, the city council shall pass a resolution of intention to do so.
(2) The resolution shall:

(a) designate the number of such district;

(b) describe the boundaries thereof;

(c) state therein the general character of the improvement or improvements which are to be made and an approximate estimate of the cost thereof; ~~and~~

(d) specify the method or methods by which the costs of the improvements will be assessed against property in the district; and

(e) if the method of assessment is that described in 7-12-4162(3)(a), specify that if an increase occurs in the number of benefited lots, tracts, or parcels within the boundaries of the district during the term of the bonded indebtedness, the assessment per lot, tract, or parcel then in the district will be recalculated as provided in 7-12-4162(3)(b).

(3) When any improvement is to be made in paving, the city or town council may, in describing the general character of it in the resolution, describe several kinds of paving.""

Insert: "Section 5. Section 7-12-4106, MCA, is amended to read:

"7-12-4106. Notice of passage of resolution of intention -- exception. (1) Except as provided in subsection (4), upon having passed the resolution of intention pursuant to 7-12-4104, the council shall give notice of the passage of the resolution of intention.

(2) The notice must be published as provided in 7-1-2121. A copy of the notice must be mailed to each person, firm, or corporation or the agent of the person, firm, or corporation having real property within the proposed district listed in the owner's name upon the last-completed assessment roll for state, county, and school district taxes, at the owner's last-known address, upon the same day that the notice is first published or posted.

(3) (a) The notice must describe the general character of the proposed improvements, state the estimated cost of the improvements, describe generally the method by which the costs of the improvements will be assessed, and designate the time when and the place where the council will hear and pass upon all written protests that may be made against the making or acquisition of the improvements or the creation of the district. If the method of assessment described in 7-12-4162(3)(a) is used, the notice must state that if an increase occurs in the number of benefited lots, tracts, or parcels within the boundaries of the district during the term of the bonded indebtedness, the assessment per lot, tract, or parcel then in the district will be recalculated as provided in 7-12-4162(3)(b).

(b) If the revolving fund is to be pledged to secure the payment of bonds and warrants, the notice must include a statement that, subject to the limitations in 7-12-4222:

(i) the general fund of the city or town may be used to provide loans to the revolving fund; or

(ii) a general tax levy may be imposed on all taxable property in the city or town to meet the financial requirements of the revolving fund.

(c) The notice must refer to the resolution on file in the office of the city clerk for the description of the boundaries. If the proposal is for the purchase of an existing improvement, the notice must state the exact purchase price of the existing improvement.

(4) The provisions of this section do not apply to a district that is created under 7-12-4114 following receipt of a petition as provided in 7-12-4102(3).""

Insert: "Section 6. Section 7-12-4161, MCA, is amended to read:

"7-12-4161. Choice in manner of assessing costs. (1) Except as provided in subsection (2), to defray the cost of making or acquiring any of the improvements provided for in this part, including incidental expenses, the city council or commission shall adopt one of the methods of

assessment, where applicable, provided in 7-12-4162 through 7-12-4165 for each improvement to be made or acquired for the benefit of the district.

(2) The city council may use one or any combination of methods of assessment in a single special improvement district, and if more than one improvement is undertaken, each lot or parcel of land in the district need not be assessed for the cost of all the improvements. If the method of assessment described in 7-12-4162(3)(a) is used, the resolution of intention under 7-12-4104 and notice under 7-12-4106 must provide that if an increase occurs in the number of benefited lots, tracts, or parcels within the boundaries of the district during the term of the bonded indebtedness, the assessment per lot, tract, or parcel then in the district will be recalculated as provided in 7-12-4162(3)(b)."

"

Insert: "Section 7. Section 7-12-4162, MCA, is amended to read:

"7-12-4162. Assessment of costs -- area option -- assessed valuation option -- equal amount option. (1) (a) The city council or commission shall assess the entire cost of an improvement against benefited property in the district, each lot or parcel of land assessed within such district to be assessed for that part of the whole cost which its assessable area bears to the assessable area of all benefited lots or parcels in the district, exclusive of streets, avenues, alleys, and public places. For the purposes of this subsection, "assessable area" means an area of a lot or parcel of land representing the benefit conferred on the lot or parcel by the improvement. Assessable area may be less than but may not exceed the actual area of the lot or parcel.

(b) The council or commission, in its discretion, shall have the power to pay the whole or any part of the cost of any street, avenue, or alley intersection out of any funds in its hands available for that purpose or to include the whole or any part of such costs within the amount of the assessment to be paid by the benefited property in the district.

(c) In order to equitably apportion the cost of any of the improvements herein provided for between that land within the district which lies within 25 feet of the line of the street on which the improvement is to be made and all other benefited land within the district, the council or commission may, in the resolution creating any improvement district, provide that the amount of the assessment against the property in such district to defray the cost of such improvements shall be so assessed that each square foot of land within the district lying within 25 feet of the line of the street on which the improvements therein provided for are made shall bear double the amount of cost of such improvements per square foot of such land that each square foot of any other benefited land within the district shall bear.

(2) The city council or city commission may assess the cost of an improvement against each lot or parcel of land in the district based on the assessed value of the benefited lots or parcels of land within the district if the council or commission determines such assessment to be equitable and in proportion to and not exceeding the benefits derived from the improvement by the lot or parcel.

(3) (a) The city council or city commission may assess each lot or parcel of land in the district an equal amount based upon the total cost of the improvement.

(b) If the method specified for assessment is that described in subsection (3)(a) and an increase occurs in the number of benefited lots, tracts, or parcels within the boundaries of a district created as provided in this part during the term of bonded indebtedness that is payable from the assessments, the city council or city commission shall recalculate the amount assessable to each lot, tract, or parcel. The city council or city commission shall comply with the provisions of sections

7-12-4176 through 7-12-4178 in adopting the recalculated amount. The city council or city commission shall base the recalculation on the amount of the district's outstanding bonded indebtedness for the current fiscal year and shall spread the assessments across the district based on the number of benefited lots, tracts, or parcels within the boundaries of the district as of August 1 following the action that resulted in the increase in the number of benefited lots, tracts, or parcels.""
Renumber: subsequent sections

12. Page 2, line 19.
Strike: "July 1, 2011"
Insert: "January 1, 2012"

13. Page 2, line 20.
Insert: "NEW SECTION. **Section 9. Applicability.** [This act] applies to bonds issued pursuant to Title 7, chapter 12, parts 21, 41, and 42, for which the resolution to create the district is adopted after December 31, 2011."

And, as amended, do pass. Report adopted.

SB 199, do pass. Report adopted.
SB 266, do pass. Report adopted.

SB 219, introduced bill, be amended as follows:

1. Title, line 8.
Following: "PROPERTY"
Insert: "AND INDUSTRIAL PROPERTY THAT IS ASSESSED ANNUALLY BY THE DEPARTMENT"

2. Title, line 12.
Following: "15-1-402"
Insert: ","
Strike: "AND"
Following: "15-1-409,"
Insert: "AND 20-9-366,"
Strike: "AN"
Insert: "EFFECTIVE DATES AND"
Strike: "DATE"
Insert: "DATES"

3. Page 2, line 19.
Strike: "centrally assessed"
Following: "taxes"
Insert: "on industrial property that is annually assessed by the department"

4. Page 3, line 10.
Strike: "centrally"
Following: "assessed"
Insert: "annually"

5. Page 3, line 17.
Strike: "centrally assessed"
Following: "taxes"
Insert: "on centrally assessed property and on industrial property that is assessed annually by the department"

6. Page 5, line 29.
Strike: "centrally"
Following: "assessed"
Insert: "annually"

7. Page 5, line 30.
Insert: "Section 3. Section 20-9-366, MCA, is amended to read:

"20-9-366. Definitions. As used in 20-9-366 through 20-9-371, the following definitions apply:

(1) "County retirement mill value per elementary ANB" or "county retirement mill value per high school ANB" means the sum of the taxable valuation in the previous year of all property in the county divided by 1,000, with the quotient divided by the total county elementary ANB count or the total county high school ANB count used to calculate the elementary school districts' and high school districts' current year total per-ANB entitlement amounts.

(2) (a) "District guaranteed tax base ratio" for guaranteed tax base funding for the BASE budget of an eligible district means the taxable valuation in the previous year of all property in the district, except for property value disregarded because of protested taxes under 15-1-409(2) or property subject to the creation of a new school district under 20-6-326, divided by the sum of the district's current year BASE budget amount less direct state aid and the state special education allowable cost payment.

(b) "District mill value per ANB", for school facility entitlement purposes, means the taxable valuation in the previous year of all property in the district, except for property subject to the creation of a new school district under 20-6-326, divided by 1,000, with the quotient divided by the ANB count of the district used to calculate the district's current year total per-ANB entitlement amount.

(3) "Facility guaranteed mill value per ANB", for school facility entitlement guaranteed tax base purposes, means the sum of the taxable valuation in the previous year of all property in the state, multiplied by 140% and divided by 1,000, with the quotient divided by the total state elementary ANB count or the total state high school ANB count used to calculate the elementary school districts' and high school districts' current year total per-ANB entitlement amounts.

(4) (a) "Statewide elementary guaranteed tax base ratio" or "statewide high school guaranteed tax base ratio", for guaranteed tax base funding for the BASE budget of an eligible district, means the sum of the taxable valuation in the previous year of all property in the state,

multiplied by 193% and divided by the total sum of either the state elementary school districts' or the high school districts' current year BASE budget amounts less total direct state aid.

(b) "Statewide mill value per elementary ANB" or "statewide mill value per high school ANB", for school retirement guaranteed tax base purposes, means the sum of the taxable valuation in the previous year of all property in the state, multiplied by 121% and divided by 1,000, with the quotient divided by the total state elementary ANB count or the total state high school ANB amount used to calculate the elementary school districts' and high school districts' current year total per-ANB entitlement amounts.""

Insert: "NEW SECTION. **Section 4. Effective dates.** (1) Except as provided in subsection (2), [this act] is effective on passage and approval.

(2) [Sections 2 and 3] are effective October 1, 2011."

8. Page 6, line 1 through line 2.

Strike: section 3 in its entirety

Insert: "NEW SECTION. **Section 5. Applicability.** (1) [Section 1] applies retroactively, within the meaning of 1-2-109, to tax years beginning after December 31, 2010.

(2) [Sections 2 and 3] apply to tax years beginning after December 31, 2011."

And, as amended, do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 2/14/2011

HB 82, introduced by Sands
HB 213, introduced by Harris
HB 251, introduced by Hoven
HB 277, introduced by Washburn
HB 335, introduced by Menahan
HB 360, introduced by Salomon
HB 374, introduced by Hansen

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 346, introduced by Lake, Jent, referred to Judiciary.
SB 347, introduced by Lake, referred to Judiciary.
SB 348, introduced by Debby Barrett, referred to Natural Resources.
SB 349, introduced by Stewart-Peregoy, Small, Caferro, Moss, F. Smith, Sands, Augare, referred to Local Government.
SB 350, introduced by Erickson, referred to Energy and Telecommunications.
SB 351, introduced by Ripley, Wanzenried, O'Hara, Facey, Caferro, Milburn, J. Peterson, Tropila, Kaufmann, Windy Boy, Knox, Jones, Lewis, Flynn, Stahl, referred to Public Health, Welfare and Safety.

SB 352, introduced by Steinbeisser, referred to Business, Labor, and Economic Affairs.
SB 353, introduced by Brenden, referred to Local Government.
SB 354, introduced by Jent, referred to State Administration.
SB 355, introduced by Hamlett, referred to Education and Cultural Resources.
SB 356, introduced by Hamlett, referred to Natural Resources.
SB 357, introduced by Hamlett, Ripley, referred to Local Government.
SB 358, introduced by Buttrey, referred to Taxation.
SB 359, introduced by Caferro, referred to Highways and Transportation.
SB 360, introduced by Caferro, referred to Taxation.
SB 361, introduced by Ripley, Klock, Zinke, Buttrey, Olson, referred to Business, Labor, and Economic Affairs.
SB 362, introduced by Olson, referred to Public Health, Welfare and Safety.
SB 363, introduced by Brenden, Ripley, referred to Finance and Claims.
SB 364, introduced by Brenden, referred to Natural Resources.
SB 365, introduced by Lewis, referred to Agriculture, Livestock and Irrigation.
SB 366, introduced by Vincent, referred to Public Health, Welfare and Safety.
SB 367, introduced by Vincent, referred to Natural Resources.
SB 368, introduced by Kaufmann, referred to Judiciary.
SB 369, introduced by Priest, referred to State Administration.
SB 370, introduced by Priest, referred to Public Health, Welfare and Safety.
SB 371, introduced by Lewis, Hinkle, referred to Taxation.
SB 372, introduced by Tutvedt, referred to Taxation.

The following Senate joint resolutions were introduced, read first time, and referred to committees:

SJR 14, introduced by Hawks, referred to Agriculture, Livestock and Irrigation.
SJR 15, introduced by Tutvedt, referred to Agriculture, Livestock and Irrigation.

The following House bills were introduced, read first time, and referred to committees:

HB 42, introduced by Hollenbaugh (by request of the Office of Budget and Program Planning), referred to Finance and Claims.
HB 82, introduced by Sands, referred to Public Health, Welfare and Safety.
HB 93, introduced by Furey (by request of the Department of Natural Resources and Conservation), referred to Finance and Claims.
HB 179, introduced by Knox, O'Neil, Bangerter, Salomon, Wittich, Taylor, McGillvray, Howard, C. Smith, Jackson, Kerns, Randall, Kary, Skees, Vance, Yates, Kennedy, Brodehl, G. Bennett, referred to Business, Labor, and Economic Affairs.
HB 213, introduced by Harris, Wagner, referred to Highways and Transportation.
HB 251, introduced by Hoven, referred to Highways and Transportation.
HB 277, introduced by Washburn, referred to Highways and Transportation.
HB 307, introduced by Burnett, Knox, Klock, C. Smith, Skees, Randall, Hale, Kennedy, referred to Business, Labor, and Economic Affairs.
HB 335, introduced by Menahan, referred to Fish and Game.

HB 360, introduced by Salomon, Read, More, Hansen, Hill, Menahan, Taylor, referred to Judiciary.
HB 374, introduced by Hansen, O'Hara, Murphy, Menahan, Larsen, Warburton, Augare, MacDonald, Sands, Jent, C. Williams, J. Peterson, Hutton, referred to Judiciary.
HJR 6, introduced by Connell, Cuffe, Hendrick, Greef, Edmunds, Ehli, Salomon, referred to Natural Resources.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Essmann moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Priest in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 15 - Senator Jent moved **SB 15** do pass. Motion carried as follows:
Yeas: Augare, Balyeat, Blewett, Branae, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Kaufmann, Keane, Lake, Larsen, Lewis, Moss, Mowbray, Murphy, Olson, Priest, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Mr. President.
Total 39

Nays: Arthun, Barrett, Brenden, Gallus, Jones, Moore, Ripley, Walker, Windy Boy, Wittich, Zinke.
Total 11

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 111 - Senator Sonju moved **SB 111** do pass.

SB 111 - Senator Keane moved **SB 111**, second reading copy, be amended as follows:

1. Title, page 1, line 5.
Following: "VEHICLE"
Insert: "; AND REQUIRING CERTAIN INSURERS TO REPORT TO THE ECONOMIC AFFAIRS INTERIM COMMITTEE"

2. Page 2, line 16.
Following: line 15
Insert: "NEW SECTION. **Section 2. Insurers required to report to economic affairs interim committee.** No later than September 15, 2012, an authorized insurer that provides

motor vehicle liability coverage under Title 33, chapter 23, part 2, shall report to the economic affairs interim committee established under 5-5-223 the impact of [section 1] on premium rates charged by the insurer between [the effective date of this act] and July 31, 2012."

Amendment adopted as follows:
Yeas: Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 45

Nays: Arthun, Buttrey, Jackson, Jent, Jones.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 111 - Senator Sonju moved **SB 111**, as amended, do pass. Motion **failed** as follows:
Yeas: Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Gallus, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Mr. President.
Total 24

Nays: Arthun, Augare, Blewett, Branae, Caferro, Erickson, Facey, Gillan, Hamlett, Hawks, Hinkle, Jent, Kaufmann, Keane, Larsen, Moss, Shockley, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Wittich, Zinke.
Total 26

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 111 - Senator Gallus moved **SB 111** be **indefinitely postponed**. Motion **failed** as follows:
Yeas: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Jent, Kaufmann, Keane, Larsen, Moss, Shockley, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 24

Nays: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hutton, Jackson, Jones,

Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 26

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Essmann moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Peterson in the chair. Chairman Priest moved the Committee of the Whole report be adopted. Report adopted as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brown, Caferro, Erickson, Essmann, Facey, Gallus, Hinkle, Hutton, Jent, Jones, Kaufmann, Keane, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Shockley, Steinbeisser, Stewart-Peregoy, Tutvedt, Van Dyk, Vuckovich, Wittich, Zinke, Mr. President.
Total 35

Nays: Brenden, Buttrey, Gillan, Hawks, Jackson, Lake, Ripley, Sonju, Tropila, Vincent, Walker, Wanzenried, Williams, Windy Boy.
Total 14

Absent or not voting: Hamlett.
Total 1

Excused: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 58 passed as follows:
Yeas: Augare, Balyeat, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moore, Moss, Shockley, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Wittich, Zinke.
Total 27

Nays: Arthun, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Mowbray, Murphy, Olson, Priest, Ripley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Mr. President.
Total 23

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 185 passed as follows:
Yeas: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Mowbray, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke.
Total 26

Nays: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Murphy, Olson, Priest, Ripley, Sonju, Tutvedt, Vincent, Walker, Wittich, Mr. President.
Total 24

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 54 concurred in as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 89 concurred in as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tutvedt, Van Dyk, Vincent, Vuckovich,

Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 48

Nays: Facey, Tropila.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SPECIAL ORDERS OF THE DAY

Mr. President, I move that the following undersigned name be **ADDED** as sponsors to **SB 311**
Motion carried.

SB 311 (Gallus, Chief Sponsor)
Senator Brenden, Essmann, Hamlett, Jones, Keane, J. Peterson, Tutvedt, C. Williams.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Essmann moved that the Senate adjourn until 1:00 p.m., Wednesday, February 16, 2011. Motion carried.

Senate adjourned at 3:15 a.m.

MARILYN MILLER
Secretary of the Senate

JIM PETERSON
President of the Senate

SENATE JOURNAL
62ND LEGISLATURE
THIRTY-EIGHTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
February 16, 2011 — State Capitol

Senate convened at 1:00 p.m. President Peterson presiding. Invocation by Chaplain Keith Johnson. Pledge of Allegiance to the Flag. Roll Call. All members present. Quorum present.

REPORTS OF STANDING COMMITTEES

AGRICULTURE, LIVESTOCK AND IRRIGATION (Steinbeisser, Chairman): 2/15/2011
SB 207, introduced bill, be amended as follows:

1. Title, page 1, lines 4 and 5.
Strike: "WILD AND" on line 4 through "OR" on line 5
Following: the first "BISON" on line 5
Strike: "AS LIVESTOCK" through "ESTRAY LAWS"

2. Title, lines 7 through 9.
Strike: "BUFFALO OR" on line 7
Following: "BISON;" on line 7
Insert: "PROVIDING DEFINITIONS;"
Following: "SECTIONS" on line 7
Strike: "81-2-702" on line 7 through "81-4-602, AND" on line 8
Insert: "81-1-101, 81-2-120, 81-2-121, 81-3-201,"
Following: "81-4-603,"
Insert: "81-5-101, AND 85-1-104,"

3. Page 1, line 12.
Strike: everything after the enacting clause

4. Page 1, line 13.
Insert: "NEW SECTION. **Section 1. Permit and inspection system for transportation of bison.** (1) Except as otherwise provided by law, the department shall adopt rules imposing a permit and inspection system for the transportation of bison into and out of counties and into and out of the state for the purposes of tracking movement of animals and collecting per capita assessments.

(2) A person who purposely or knowingly transports bison in violation of rules adopted pursuant to this section is guilty of a misdemeanor and shall be fined not more than $1,000 or be imprisoned in the county jail for not more than 6 months, or both."
Insert: "Section 2. Section 81-1-101, MCA, is amended to read:

"81-1-101. (Temporary) Definitions. Unless the context requires otherwise, in Title 81, the following definitions apply:

(1) (a) "Bison" means domestic bison, feral bison, or wild bison.

(b) For the purposes of chapter 9, the term does not include buffalo.

~~(1)~~(2) "Board" means the board of livestock provided for in 2-15-3102, except as provided

in Title 81, chapter 23.

~~(2)~~(3) "Department" means the department of livestock provided for in Title 2, chapter 15, part 31.

(4) "Domestic bison" means a bison owned by a person.

(5) "Feral bison" means a domestic bison or progeny of a domestic bison that has escaped or been released from captivity and is running at large and unrestrained on public or private land.

(6) "Wild bison" means a bison that has not been reduced to captivity. (Terminates June 30, 2011--sec. 20, Ch. 361, L. 2009.)

81-1-101. (Effective July 1, 2011) Definitions. Unless the context requires otherwise, in Title 81, the following definitions apply:

(1) (a) "Bison" means domestic bison, feral bison, or wild bison.

(b) For the purposes of chapter 9, the term does not include buffalo.

~~(1)~~(2) "Board" means the board of livestock provided for in 2-15-3102.

~~(2)~~(3) "Department" means the department of livestock provided for in Title 2, chapter 15, part 31.

(4) "Domestic bison" means a bison owned by a person.

(5) "Feral bison" means a domestic bison or progeny of a domestic bison that has escaped or been released from captivity and is running at large and unrestrained on public or private land.

(6) "Wild bison" means a bison that has not been reduced to captivity.""

Insert: "Section 3. Section 81-2-120, MCA, is amended to read:

"81-2-120. Management of wild buffalo or wild bison for disease control. (1) Whenever a publicly owned wild buffalo or wild bison from a herd that is infected with a dangerous disease enters the state of Montana on public or private land and the disease may spread to persons or livestock or whenever the presence of wild buffalo or wild bison may jeopardize Montana's compliance with other state-administered or federally administered livestock disease control programs, the department may, under a plan approved by the governor, use any feasible method in taking one or more of the following actions:

(a) The live wild buffalo or wild bison may be physically removed by the safest and most expeditious means from within the state boundaries, including but not limited to hazing and aversion tactics or capture, transportation, quarantine, or delivery to a department-approved slaughterhouse.

(b) The live wild buffalo or wild bison may be destroyed by the use of firearms. If a firearm cannot be used for reasons of public safety or regard for public or private property, the animal may be relocated to a place that is free from public or private hazards and destroyed by firearms or by a humane means of euthanasia.

(c) The live wild buffalo or wild bison may be taken through limited public hunts pursuant to 87-2-730 when authorized by the state veterinarian and the department.

(d) The live wild buffalo or wild bison may be captured, tested, quarantined, and vaccinated. Wild buffalo or wild bison that are certified by the state veterinarian as brucellosis-free may be:

(i) sold to help defray the costs that the department incurs in building, maintaining, and operating necessary facilities related to the capture, testing, quarantine, or vaccination of the wild buffalo or wild bison; or

(ii) transferred to qualified tribal entities that participate in the disease control program provided for in this subsection (1)(d). Acquisition of wild buffalo or wild bison by a qualified tribal

entity must be done in a manner that does not jeopardize compliance with a state-administered or federally administered livestock disease control program. The department may adopt rules consistent with this section governing tribal participation in the program or enter into cooperative agreements with tribal organizations for the purposes of carrying out the disease control program.

(e) Proceeds from the sale of live, brucellosis-free, vaccinated wild buffalo or wild bison must be deposited in the state special revenue fund to the credit of the department.

(f) Any revenue generated in excess of the costs referred to in subsection (1)(d)(i) must be deposited in the state special revenue fund provided for in 87-1-513(2).

(2) Whenever the department is responsible for the death of a wild buffalo or wild bison, either purposefully or unintentionally, the carcass of the animal must be disposed of by the most economical means, including but not limited to burying, incineration, rendering, or field dressing for donation or delivery to a department-approved slaughterhouse or slaughter destination.

(3) In disposing of the carcass, the department:

(a) as first priority, may donate a wild buffalo or wild bison carcass to a charity or to an Indian tribal organization; or

(b) may sell a wild buffalo or wild bison carcass to help defray expenses of the department. If the carcass is sold in this manner, the department shall deposit any revenue derived from the sale of the wild buffalo or wild bison carcass to the state special revenue fund to the credit of the department.

(4) The department may adopt rules with regard to management of publicly owned wild buffalo or wild bison that enter Montana on private or public land and that are from a herd that is infected with a contagious disease that may spread to persons or livestock and may jeopardize compliance with other state-administered or federally administered livestock disease control programs.""

Insert: "Section 4. Section 81-2-121, MCA, is amended to read:

"81-2-121. Taking of publicly owned wild buffalo or wild bison that are present on private property -- notice -- supplemental feeding -- penalty. (1) This chapter may not be construed to impose, by implication or otherwise, criminal liability on a landowner or the agent of a landowner for the taking of a publicly owned wild buffalo or wild bison that is suspected of carrying disease and that is present on the landowner's private property and is potentially associating with or otherwise threatening the landowner's livestock if:

(a) the landowner or agent notifies or makes a good faith effort to notify the department in order to allow as much time as practicable for the department to first take or remove the publicly owned wild buffalo or wild bison that is present on the landowner's property;

(b) the landowner or agent makes a good faith effort to notify the department that a taking has occurred and to retain all parts for disposal by the department; and

(c) the landowner or agent is not in violation of subsection (2).

(2) A person may not intentionally provide supplemental feed to game animals in a manner that results in artificial concentration of game animals that may potentially contribute to the transmission of disease. A person who violates this subsection is guilty of a misdemeanor and is subject to the penalty provided in 87-1-102(1). This subsection does not apply to supplemental feeding activities conducted by the department for disease control purposes.""

Insert: "Section 5. Section 81-3-201, MCA, is amended to read:

"81-3-201. Definitions. Unless the context requires otherwise, in this chapter, the following definitions apply:

(1) "Deputy state stock inspector" means a person designated by the department as a deputy state stock inspector who does not receive a salary or compensation from the department.

(2) "Feedlot" means a confined livestock feeding operation where the owner or operator of the feedlot feeds livestock belonging to others for a fee.

(3) "Livestock" means a bovine animal, domestic bison, horse, mule, or ass, regardless of its age or sex.

(4) "Person" means an individual, partnership, corporation, association, firm, or entity not enumerated that is capable of owning or controlling livestock.

(5) "Specially qualified deputy stock inspector" means a deputy state stock inspector who has been certified by the department, under rules adopted pursuant to 81-3-202, as qualified to conduct an inspection for a permanent transportation permit for a saddle, work, or show horse.

(6) "State stock inspector" means an employee of the department of livestock designated by the department as a state stock inspector.""

Insert: "Section 5. Section 81-4-603, MCA, is amended to read:

"Section 6. Taking up and disposition of estrays -- advertisement. (1) A stock inspector authorized by the department shall take into possession an estray found in the stock inspector's district and, except as provided in 81-2-120, shall either:

(a) ship or arrange for the shipment of the estray to a licensed livestock market for sale; or

(b) hold the estray and care for the estray in the cheapest and most practicable manner for at least 10 days and not more than 30 days after public notice is published as provided in subsection (2). During the holding period, the stock inspector shall advertise that the estray is being held and that unless the estray is claimed by the owner, the stock inspector will on a date specified in the notice sell the estray at a public auction to the highest bidder for cash.

(2) The notice must be published in the newspaper doing the county printing of the county in which the estray is found and on the department's website and in each livestock market brand office and county sheriff's office in the state. This notice must be published in the newspaper at least one time and must contain a statement of the date of the sale, the place where the sale is to be held, and a general description of the estray, including the sex and the approximate age, together with an illustration of the brand and the position of the brand on the estray and a description of the place or locality where the estray was found or taken.

(3) ~~The~~ Except as provided in 81-2-120, the proceeds from the sale must be disposed of under 81-4-605 and 81-4-606.

(4) The owner of the estray may appear and claim it at any time before the sale or shipment, as provided in this part, upon payment to the department of the cost of caring for the estray as determined by the department.""

Insert: "Section 6. Section 81-5-101, MCA, is amended to read:

"Section 7. Moving livestock from customary range forbidden. (1) A person who willfully moves or causes to be moved any cattle, horses, mules, swine, llamas, alpacas, domestic bison, or sheep from their owner's customary range without the permission of the owner shall upon conviction be punished by imprisonment in the county jail not exceeding 6 months or by a fine not exceeding $500, or both.

(2) A person who negligently moves or causes to be moved any cattle, horses, mules, swine, llamas, alpacas, domestic bison, or sheep from their owner's customary range without the permission of the owner shall upon conviction be punished by:

(a) a term of imprisonment in the county jail not to exceed 6 months;

(b) a fine not exceeding:
(i) $25 for a first offense;
(ii) $250 for a second offense; and
(iii) $500 for a third or subsequent offense; or
(c) both imprisonment and the appropriate fine.
(3) Prior to the imposition of the penalty provided for in subsection (1) or (2), the owner of the livestock shall file a complaint with the department. The department shall conduct an investigation to determine the circumstances under which the livestock were moved.""

Insert: "Section 4. Section 81-5-104, MCA, is amended to read:

"Section 8. Stolen livestock -- seizure and forfeiture of vehicle and certain other property used in theft or transportation. (1) The use of a vehicle, money, equipment, or personalty for the theft or transportation of a stolen mule, horse, mare, colt, foal, filly, sheep, lamb, cow, calf, heifer, steer, bull, llama, alpaca, domestic bison, hogs, poultry, ostrich, rhea, emu, or the products of stolen livestock is unlawful. Any vehicle, money, equipment, or personalty used for the theft or unlawful transportation or upon probable cause believed to be devoted wholly or in part to the theft or unlawful transportation must be seized and held.

(2) Within 45 days after the seizure, a peace officer or officer of the agency that seizes the property shall file a petition to institute forfeiture proceedings with the clerk of the district court of the county in which the seizure occurs. The clerk shall issue a summons at the request of the petitioning party, who shall serve the summons upon all owners or claimants of the property by one of the following methods:

(a) upon an owner or claimant whose address is known, by personal service of a copy of the petition and summons as provided in the Montana Rules of Civil Procedure;

(b) upon an owner or claimant whose address is unknown but who is believed to have an interest in the property, by publication of the summons in one issue of a newspaper of general circulation in the county where the seizure occurred or, if there is no newspaper of general county circulation, by publication in one issue of a newspaper of general circulation in an adjoining county and by mailing a copy of the petition and summons to the most recent address of the owner or claimant, if any, shown in the records of the division of motor vehicles.

(3) A vehicle is not subject to forfeiture under this section if:
(a) it is a stolen vehicle at the time it is used for unlawful transportation; or
(b) the vehicle owner is not in collusion with the party or parties guilty of the theft.""

Insert: "NEW SECTION. **Section 9. Codification instruction.** [Section 1] is intended to be codified as an integral part of Title 81, chapter 5, part 1, and the provisions of Title 81, chapter 5, part 1, apply to [section 1]."

Insert: "NEW SECTION. **Section 10. Effective date.** [This act] is effective on passage and approval."

And, as amended, do pass. Report adopted.

SB 237, introduced bill, be amended as follows:

1. Title, page 1, line 6.
Following: "COSTS;"
Insert: "REQUIRING REPORTING;"

2. Page 2.
Following: line 23
Insert: "(7) During a review required under subsection (6)(a)(ii), the administrator shall communicate with livestock producers about:
(a) any need for continued testing and surveillance of livestock;
(b) any changes to herd management plans; and
(c) the status and progress the department is making in addressing:
(i) the source of the disease transmission; and
(ii) the disease in wildlife."
Renumber: subsequent subsection

And, as amended, do pass. Report adopted.

SB 277, introduced bill, be amended as follows:

1. Page 1, line 28.
Following: "~~(1)~~(a)"
Strike: "cooperate and"
Insert: "enter into a"
Strike: "for collecting"
Insert: "to collect on behalf of the beef council"

2. Page 2, line 2.
Following: "(2) (a)"
Strike: "Any"
Insert: "Except as provided in subsection (2)(b), the"

3. Page 2, line 3 and line 4.
Following: "include"
Insert: "a provision that the beef council shall pay"
Following: "collected, to"
Strike: "be paid" on line 3 through "council to" on line 4

4. Page 2, line 6 and 7.
Strike: "Montana beef council"
Insert: "department"
Following: "contract for" on line 6
Strike: "a" on line 6 through "fees collected" on line 7
Insert: "collection of the fee if the department's direct collection costs as verified by the legislative auditor exceed 5% of the check-off funds collected"

5. Page 2, line 12.
Strike: "the collection or payment of money"
Insert: "a livestock owner's compliance with the requirement to pay the assessment"

And, as amended, do pass. Report adopted.

SB 296, do pass. Report adopted.
HJR 4, be concurred in. Report adopted.

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Balyeat, Chairman): 2/16/2011
SB 228, do pass. Report adopted.

SB 269, introduced bill, be amended as follows:

1. Title, page 1, line 6.
Strike: "AND"
Following: "MCA"
Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

2. Page 3.
Following: line 28
Insert: "NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval."

And, as amended, do pass. Report adopted.

SB 270, do pass. Report adopted.
SB 272, introduced bill, be amended as follows:

1. Page 1, line 23.
Following: line 22
Insert: "(1) "Collaborative relationship" means a cooperative working relationship between a prescribing psychologist or a psychologist with a prescription certificate and a medical practitioner in the provision of patient care within their respective scope of practice, including diagnosis, treatment, and cooperation in the management and delivery of a patient's health care."
Renumber: subsequent subsections

2. Page 9.
Following: line 1
Insert: "(5) When a prescribing psychologist is prescribing medication for a patient, the prescribing psychologist shall maintain an ongoing collaborative relationship with the medical practitioner who oversees the patient's general medical care."

3. Page 12, line 13.
Following: the first "17,"
Insert: "part 1,"
Following: the second "17,"
Insert: "part 1,"

And, as amended, do pass. Report adopted.

SB 275, do pass. Report adopted.

ENERGY AND TELECOMMUNICATIONS (Olson, Chairman): 2/15/2011
SB 205, do pass. Report adopted.

SB 225, introduced bill, be amended as follows:

1. Title, page 1, line 8 through line 9.
Strike: "REQUIRING" on line 8 through "PROCEDURES;" on line 9
Insert: "ESTABLISHING INTERCONNECTION REQUIREMENTS;"

2. Page 1, line 15 through line 18.
Strike: section 1 in its entirety
Insert: "NEW SECTION. **Section 1. Interconnection requirements.** Prior to requesting a contract for the sale of electricity with a utility, a qualifying small power production facility shall file a generation interconnection request with the utility."

3. Page 2, line 10 through line 13.
Strike: subsection (6) through subsection (7) in their entirety
Renumber: subsequent subsection

4. Page 3, line 5.
Following: "established"
Insert: "in accordance with the federal Public Utility Regulatory Policies Act and federal rules implementing the act"

5. Page 3, line 6.
Following: ":"
Insert: "and"

6. Page 3, line 7.
Strike: line 7 in its entirety

7. Page 3, line 8.
Strike: "(c)"
Insert: "(b)"

And, as amended, do pass. Report adopted.

SB 226, introduced bill, be amended as follows:
1. Title, page 1, line 4 through line 5.
Strike: "REQUIRING" on line 4 through "METERS;" on line 5

2. Page 1, line 13.
Strike: "two standard"

3. Page 1, line 13 through line 14.
Strike: "meters" on line 13 through "one" on line 14
Insert: "metering systems"

4. Page 1, line 14.
Strike: "measuring"
Insert: "registering"
Strike: "amount"
Insert: "flow"
Following: "electricity"
Insert: "delivered to and received from the utility."

5. Page 1, line 21 through line 23.
Strike: "produced" on line 21 through"cycle." on line 23

6. Page 1, line 24.
Strike: "number" through the third "the"

7. Page 1, line 25.
Strike: "against" through the second "of"
Insert: "for"
Strike: "utility"
Insert: "customer-generator"

And, as amended, do pass. Report adopted.

SB 285, do pass. Report adopted.

SJR 4, introduced joint resolution, be amended as follows:

1. Title, page 1, line 5.
Strike: "CALL" through "PROPOSING"
Insert: "SUPPORT"

2. Title, page 1, line 7.
Following: "BUDGET"
Insert: "EXCEPT IN TIMES OF WAR"

3. Page 1, line 9 through line 10.
Strike: "that" on line 9 through "convention" on line 10
Insert: "methods"

4. Page 1, line 12.
Following: "budget"
Insert: ", except in times of war,"

5. Page 1, line 16.
Strike: "makes" through "under"
Insert: "in accordance with"

6. Page 1, line 17.
Strike: "to" through "proposing"
Insert: "supports"

7. Page 1, line 18.
Following: "budget"
Insert: ", except in times of war,"
Following: "and"
Insert: "to"

And, as amended, do pass. Report adopted.

FINANCE AND CLAIMS (Lewis, Chairman): 2/15/2011
SB 13, introduced bill, be amended as follows:

1. Page 1, line 6.
Strike: "$4"
Insert: "$25"

2. Page 4, line 3.
Strike: "$4"
Insert: "$25"

3. Page 4, line 6.
Strike: "$4"
Insert: "$25"

4. Page 4, line 7.
Strike: "$3.50"
Insert: "$21.88"
Strike: "25 cents"
Insert: "$1.56"

5. Page 4, line 8.
Strike: "25 cents"
Insert: "$1.56"

6. Page 4, line 11.
Strike: "$4"
Insert: "$25"

And, as amended, do pass. Report adopted.

SB 224, do pass. Report adopted.
SB 227, introduced bill, be amended as follows:

1. Title, page 1, line 6.
Following: "ADVERTISE"
Strike: "THE SERVICES OF THE ENTITY"

2. Page 1, line 11.
Following: "advertising"
Strike: "a service offered by the agency"

3. Page 1, line 18 through line 21.
Following: "(e)" on line 18
Strike: remainder of line 18 through "advertising" on line 21
Insert: "the results of any such advertising and the method used by the agency to determine the results"

4. Page 1, line 23.
Following: "media"
Insert: ", brochures, direct mail, electronic mail, sponsorships, logos, billboards, posters, use of advertising agencies, or promotional items"

5. Page 1, line 28.
Strike: line 28 in its entirety

And, as amended, do pass. Report adopted.

SB 271, do pass. Report adopted.

SB 198, introduced bill, be amended as follows:

1. Page 1, line 20.
Strike: "A"
Insert: "If a"
Following: "note"
Insert: "has an estimated fiscal impact of greater than $10 million in general fund money over the biennium, it"
Following: "include"
Strike: "an estimate of the"

Insert: "a summary of the estimated"
Following: "that"
Strike: "will"
Insert: "may"

2. Page 1, line 21.
Following: "and"
Insert: "an estimate of"
Strike: "A"
Insert: "The"
Following: "include"
Strike: remainder of line 21 through "will" on line 22
Insert: "potential fiscal impacts that may"

And, as amended, do pass. Report adopted.

FISH AND GAME (Brenden, Chairman): 2/15/2011
SB 212, introduced bill, be amended as follows:

1. Title, line 5.
Strike: "ELIMINATING RULEMAKING AUTHORITY;"

2. Page 2, line 7.
Following: line 6
Insert: "(3) The department may adopt rules with regard to wild buffalo or bison that have not been exposed to or infected with a contagious disease but are in need of management because of potential damage to person or property."
Renumber: subsequent subsections

3. Page 2, line 7.
Strike: "Subject to subsection (6), the"
Insert: "The"

4. Page 2, line 13.
Strike: "(3)(c); and"
Insert: "(4)(d);
(c) measures to maintain existing multiple uses of state and federal land, including livestock grazing, that comply with existing land management plans;"
Renumber: subsequent subsection

5. Page 2, line 17.
Strike: "and"

6. Page 2, line 19.
Following: "authorized"

Insert: ";

(iii) contingency plans to expeditiously fund and construct effective containment measures in the event of an escape; and

(iv) contingency plans to eliminate or decrease the size of a relocation site, including the expeditious removal or relocation of bison if the department is unable to effectively manage or contain the bison.

(e) a reasonable means of protecting public safety and emergency measures to be implemented if public safety may be threatened;

(f) a reasonable maximum carrying capacity for any proposed relocation area using sound management principles and methods for not exceeding that carrying capacity; and

(g) identification of long-term, stable funding sources that would be dedicated to implementing the provisions of the management plan for each relocation site"

7. Page 2, line 20.
Strike: "(3)"
Insert: "(4)"

8. Page 2, line 21.
Following: "counties."
Strike: "The"
Insert: "Prior to making a decision to release or transplant wild buffalo or bison onto private land in Montana, the"

9. Page 2, line 24.
Following: "incurred"
Insert: ", including costs arising from protecting public safety,"

10. Page 2, line 25.
Strike: "(3)"
Insert: "(4)"

11. Page 2, line 26 through line 28.
Strike: subsection (6) in its entirety
Renumber: subsequent subsection

And, as amended, do pass. Report adopted.

SB 255, introduced bill, be amended as follows:

1. Title, line 5 through line 6.
Following: "HUNT" on line 5
Strike: "," on line 5 through "TRAP" on line 6

2. Page 1, line 10.
Strike: ", fishing, and trapping"

3. Page 1, line 11.
Strike: "fish and"

4. Page 1, line 13.
Strike: "fish and"

5. Page 1, line 15.
Strike: "fish and"

6. Page 1, line 21.
Following: "hunting"
Strike: ", fishing, or trapping"
Following: "wildlife,"
Strike: "fish,"

7. Page 1, line 22 through line 23.
Following: "hunt" on line 22
Strike: "," on line 22 through "trap" on line 23

And, as amended, do pass. Report adopted.

HIGHWAYS AND TRANSPORTATION (Jones, Chairman): 2/15/2011
SB 251, introduced bill, be amended as follows:

1. Title, page 1, line 4 through line 5.
Following: "THE USE OF"
Strike: "HAND-HELD " on line 4 through "AND" on line 5

2. Title, page 1, line 5 through line 6.
Following: "VEHICLE;"
Strike: "PROVIDING" on line 5 through "USE;" on line 6

3. Page 1, line 10.
Following: "Use of"
Strike: "hand-held mobile telephones and"

4. Page 1, line 11.
Following: "prohibited -- "
Strike: "definitions"
Insert: "definition"

5. Page 1, line 11 through page 2, line 8.
Strike: "(1)" on page 1, line 11 through "ear." on page 2, line 8

6. Page 2, line 9.

Following: line 8
Insert: "(1) (a) For the purposes of this section, "mobile electronic device" means any hand-held or other portable electronic equipment capable of providing data communication between two or more persons, including a text messaging device, a paging device, a personal digital assistant, a laptop computer, equipment that is capable of playing a video game or a digital video disk, equipment on which digital photographs are taken or transmitted, or any combination of those functions.

(b) The term does not include two-way radios, audio equipment, or any equipment installed in a motor vehicle for the purpose of providing navigation, emergency assistance to the operator of the motor vehicle, or video entertainment to the passengers in the rear seats of the motor vehicle."

7. Page 2, line 9.
Strike: "(a)"

8. Page 2, line 10.
Following: the first "using"
Strike: "a hand-held" through "using"

9. Page 2, line 12 through line 15.
Strike: subsection (b) in its entirety

10. Page 2, line 16.
Strike: "(c)"
Insert: "(3)"

11. Page 2, line 16.
Strike: "this"

12. Page 2, line 17.
Strike: "a hand-held" through "or"

13. Page 2, line 18 through page 3, line 3.
Strike: subsection (3) in its entirety

And, as amended, do pass. Report adopted.

SB 258, introduced bill, be amended as follows:

1. Title, page 1, line 5 through line 6.
Strike: "EXEMPTING" on line 5 through "REQUIREMENTS;" on line 6

2. Page 1, line 10 through line 17.
Strike: section 1 in its entirety
Renumber: subsequent sections

3. Page 3, line 13 through line 14.
Strike: section 4 in its entirety

And, as amended, do pass. Report adopted.

JUDICIARY (Murphy, Chairman): 2/16/2011
SB 114, introduced bill, be amended as follows:

1. Title, line 4 through line 8.
Following: ""AN ACT" on line 4
Strike: remainder of line 4 through line 8
Insert: "STATING THAT FEDERAL LAW ENFORCEMENT OFFICERS SHOULD COMMUNICATE WITH LOCAL SHERIFFS BEFORE TAKING OFFICIAL ACTION IN A COUNTY;"

2. Page 1, line 13 through page 3, line 21.
Strike: everything after the enacting clause
Insert: "NEW SECTION. **Section 1. Purpose.** The purpose of [sections 1 and 2] is to:
(1) enhance cooperation between federal law enforcement officers and law enforcement officers of this state;
(2) encourage federal law enforcement officers to use the knowledge and expertise of local law enforcement officers in the performance of the federal officers' official duties; and
(3) encourage federal law enforcement officers to communicate with local law enforcement officers when performing the federal officers' official duties in a local jurisdiction."
Insert: "NEW SECTION. **Section 2. Communication with local sheriff.** (1) Before taking any official law enforcement action in a county in this state, a federal law enforcement officer should communicate with the sheriff of the county in which the action is to be taken unless the communication would impede the federal officer's official duties.
(2) If a federal law enforcement officer does not inform the sheriff before taking official action, the officer should do so as soon as practical after the fact."
Insert: "NEW SECTION. **Section 3. Codification instruction.** [Sections 1 and 2] are intended to be codified as an integral part of Title 44, and the provisions of Title 44 apply to [sections 1 and 2]."
Insert: "NEW SECTION. **Section 4. Effective date.** [This act] is effective on passage and approval."

And, as amended, do pass. Report adopted.

SB 335, do pass. Report adopted.

TAXATION (Tutvedt, Chairman): 2/16/2011
HB 132, be amended as follows:

1. Page 4, line 18.
Following: "~~information.~~"

Insert: "In the classification work, use must be made of soil surveys and maps and all other pertinent available information."

And, as amended, be concurred in. Report adopted.

MOTIONS

Senator Essmann moved the Senate recess and proceed to the House of Representatives for the State of Education address by Superintendent of Public Instruction Denise Juneau. Upon adjournment of the joint session, the Senate will reconvene. Motion carried.

The Senate recessed and proceeded to the House of Representatives.

President Peterson assumed the chair.

Senator Essmann moved that the body resolve itself into a joint session for the purpose of receiving the State of the Judiciary address. Motion carried.

Senator Essmann moved that the President be authorized to appoint a committee of four to notify the Superintendent of Public Instruction Denise Juneau that the House and Senate were in joint session and ready to receive the State of Education address. Motion carried. President Peterson appointed Senator Zinke, Senator Hawks, Representative Reichner, and Representative McClaffertty. The committee was discharged to escort Superintendent of Public Instruction Denise Juneau into the House chambers. The committee escorted Superintendent Juneau to the rostrum.

Superintendent Juneau delivered the following address to the Joint session:

Mr. Speaker, Mr. President, Members of the 62nd Legislature, special guests, and friends of education:

Thank you so much for the warm welcome and the opportunity to be with you today. I would like to especially thank my brother, Ron Juneau, and my nephew, Lakota – a 3rd grader at Big Sky Elementary School in Billings - for sharing this day with me.

I would also like to thank my mom, Carol, and my dad, Stan, who are watching online. They supported me and my brother in our every endeavor, instilled in us a willingness to serve others, and made sure that we were successful in school because they knew becoming educated would open many doors for us.

My mom proudly served with many of you in both the House and the Senate. She is especially proud of the realization of Indian Education for All and that Montana has made great strides in fulfilling its constitutional obligation to recognize the distinct and unique cultural heritage of American Indians in its educational system. In a few short years, the Office of Public Instruction has developed over 300 classroom resources and offered training to thousands of educators. Teachers are now integrating accurate information about American Indians into classroom lessons about

math, science, art, music, literature, and PE. Your past work to respect the Indian nations located in Montana and ensure they have a place in our public education system is seeing exceptional results. Just last week, more than 200 educators gathered in Helena for the IEFA Best Practices conference, and Montana is a recognized national leader in developing instructional materials and integrating Indian Education for All into classrooms. I would also like to give my appreciation to the staff at the Office of Public Instruction. My staff are dedicated, committed state employees who excel at delivering high-quality support to 828 schools, 15,077 school staff, and 141,807 K-12 students. They take great pride in doing work that matters. And I take great pride in leading the agency.

Joining us today in the gallery are also County Superintendents, who come from every corner of Montana. Thank you for your work on behalf of schools and students.

At OPI, we constantly work to make government more transparent and communication with the public easier. During the last two years, the Office of Public Instruction has entered the world of web 2.0 tools. You can visit our updated website that receives over 3 million hits per year; you can opt into our official email system and receive our communications to schools and subscribe to OPI e-news; you can become OPI's friend on Facebook; and we just recently launched MT OPI on i - Tunes where students and teachers can download professional development videos and curriculum resources for free anytime, anywhere. Technology offers all of us so many opportunities for communicating our work, being accountable, and providing accessibility. In fact, I'll bet Rep. Ellie Hill is "live-tweeting" this speech right now. All of you, tweeters or not, were sent by the voters to the 2011 Legislative Session to make responsible decisions, create jobs, grow our economy and ensure our state's long-term prosperity.

I know that each of us in this room values education, and although we may disagree on the best way to deliver it or fund it or improve it, we all know it's important and that it has significant meaning to the citizens of our state. That's why we as policymakers struggle to ensure we get it right so every student reaches his or her full potential.

Prioritizing and investing in public education during this session is imperative. Public education is still the great equalizer in America. It is open to all – to every child that walks through the door – no matter their ability, zip code, heritage, or economic background. And we ask a lot from our public schools. We ask our schools to produce students who know how to read, do quadratic equations, understand the scientific method, write an essay, give a speech, appreciate the arts, be healthy, understand their place in global society, grasp the foundational principles of our democracy, speak a language other than English, and use technology.

We all know that the end result of a quality education defines our state's future and creates its economic well-being. When you are in your committees and respective chambers, you must always remember the promises that public education holds for individuals, communities, our state, and our country.

There are students sitting in classrooms right now, learning to read, or on the playground at recess, or eating school lunch, or playing the recorder in music class. They don't know what is going on here at the Capitol January through April. They just know they like school, enjoy learning new

things, and love their teacher. But, they are counting on you, members of the legislature, to protect the state's investment in their public school.
This morning, in some Montana town, a single mother living each day with courage, working two jobs, and stretching her budget to put food on the table and pay the rent, walked her child to her neighborhood school and trusted that he would get a good hot breakfast and lunch, be taken care of in a safe environment, and learn his A, B, C's. She doesn't have time to keep track of what is going on here at the Capitol. But, she is counting on you to help deliver a quality education to her child – so her hard work does not go to waste and her child has the opportunity to reach his full educational potential.

Many of us were born with certain privileges. My privilege was the stability of my parents, their support of my schooling, and their steadfast belief that I would go to college. However, some of our students do not have family members who attended college, have access to wealth, live in safe family environments, or simply have the opportunity to just be children.

That is why we must recognize that while education provides the means for all children to pursue success, a good education is oftentimes the only means for some children to break the cycle of poverty. Schools can make a huge difference for at-risk children by finding ways to help them overcome their challenges and help them succeed. I urge you to restore the $10 million at-risk funding for schools that was reduced to $2 last session so schools can provide programs that help these students, because a good education can transform their lives.

Montana has a long history of maintaining quality and excellence in its public education system – a long history of unwavering commitment to public education and a goal of graduating every Montana student from high school being prepared for college and careers.

And, because Montana continues to commit to quality and excellence, great things are happening in our classrooms and the citizens of Montana receive a quality product for the taxes they pay.
The National Assessment of Educational Progress, also called "The Nation's Report Card," is the ONLY standardized test that allows for direct comparison across states. It shows that the math skills of Montana students exceed the national average and continue to climb - Montana eighth graders scored better than students in all but two other states and Montana fourth graders scored better than students in all but four other states in the nation.

• The reading skills of Montana students continue to exceed the national average. The scores of Montana fourth and eighth-graders are among the top five highest scoring states as well.

• Montana students lead the nation in science scores. In eighth grade, we share the highest score in the nation with just three other states. Only one state scored higher than Montana's 4th graders.

• Montana schools were recognized by the Education Trust for the performance levels of our low-income students. In Montana, we have some of the smallest academic disparities between low income and high income students in the nation.

• Our 2010 graduating class outpaced the nation in ACT scores – the test that measures college readiness.

Public education in Montana is not broken. In fact, it is thriving. We should all be proud of the hard work that these numbers reflect: the hard work of our students, our teaching force, and the communities that support Montana's schools. And, we will continue to see this quality and excellence when we prioritize and invest in our public education system.

Now, I understand that as much as we can feel great about what we accomplish in K-12 education, we cannot afford to rest on our laurels. I believe in assessing our progress and confronting our challenges. Based on the dropout and graduation data we collect at OPI, we know there are too many Montana students that don't attain a high school diploma – right around 2,000 each year. The effects of dropping out are damaging to our state – with high school dropouts comprising 75 percent of incarcerated men and women and tens of millions of dollars spent each year in supportive services for adults who do not earn a high school diploma.

According to the Alliance for Excellent Education, if the male high school graduation rate increased by just 5%, MT's economy would see a combination of crime-related savings and additional revenue of $19.6 million each year. That should be reason enough for us to want to improve graduation rates.

Last fall, I launched an initiative called Graduation Matters Montana that works with schools, communities, and business partners to support kids staying in school. One piece of this initiative is legislative. I commend Senator Taylor Brown for working with me on SB 44, to increase the legal dropout age from "age 16" to "age 18 or upon graduation." Passing this bill would have set an expectation that, in today's economic climate, it is imperative that a student stay in school and earn a diploma or certificate. The last time the age was adjusted was 90 years ago - in 1921. Our world is much different from that time, and our expectations should reflect our current economic structure and society. Despite this bill not getting out of the Senate Education Committee, I remain committed to Graduation Matters Montana and working with schools and communities to set the target higher, because I believe all our children can achieve more.

I recently received an e-mail from a former student thanking me for believing in her while she was in high school and for giving her hope that she could do something successful in her life. Although she left school before graduating, she did earn her GED and join the National Guard. She is now married, has two beautiful sons and is serving our country in Iraq. My response to her was that she was, and continues to be, worthy of high expectations. We should all believe in our students enough, and care enough about them, that we create a system of support for them to achieve high school success.

There are times when, because of life circumstances, people do not complete high school. We must still find ways for those adults to attain a diploma or certificate that opens doors to employers and college. Monday, the subcommittee on education appropriations heard from many people who benefitted from Adult-Basic Education programs. These programs offer adults, who did not make it through high school for one reason or another, a pathway to a GED, college, or the workplace. I urge you to restore the funding for these vital programs in communities all across Montana. They offer many people an option for a better life.

Part of keeping kids in school is making sure schools are safe places to learn. I was happy to stand with Attorney General Steve Bullock and many others in support of Senator Kim Gillan's Schools Are For Education, or the SAFE Act, which articulated that a safe and civil environment in school is necessary for students to be engaged in learning.

The Senate recently passed a bill on a 47-3 vote that prohibits hunters from being harassed, threatened, or intimidated – a bill with a $20,000 fiscal note. So, I was disappointed when the SAFE Act was tabled in the Senate Education Committee. I have to believe that the full Senate would have passed a bill that simply provides that parents and students can rely on their school to have clear and transparent definitions, procedures, and policies around bullying – a bill with a fiscal note of zero dollars.

During the hearing on the SAFE Act, we heard heart-wrenching stories from students who are bullied every day and stories from parents who are at a loss of how to help their child cope with bullies at school. Students should not be afraid to go onto the playground during recess or be afraid of being pushed, shoved, hit, slammed into lockers, humiliated daily, ridiculed relentlessly, be the subject of texted mean-spirited rumors, or have their tormenters follow them on the web 24/7.

As policymakers, we cannot look the other way and say "bullying has gone on forever" or "kids will be kids," because excuses make us passive and indifferent. Bullying does happen in our schools. At some point, this body needs to send a message that it is not appropriate to bully, harass, threaten, or intimidate children in our schools.

One of the more demanding initiatives I have undertaken is improving student outcomes in schools and communities that are facing significant challenges. Under my Schools of Promise initiative, we are working to transform the four lowest performing school systems in the state.

Despite our great educational outcomes overall, we do have a few schools that need reform. These schools are located in communities that suffer deep generational, isolated, and concentrated poverty. Some of these communities have unemployment rates that hover around 70 percent – not just during the recession – but, always. Many students come to school with heavy loads of emotional trauma. Most students in these schools are not proficient in reading and math.

As the leader of the state's public education system, I will not stand by and let another generation of students fail. Our state cannot afford to allow certain communities to languish. The hope for these communities, and indeed, for our state, will transpire when every child is successfully educated in a quality school. We must work with these schools, their staff, parents, students, and communities to raise academic achievement.

Under the Schools of Promise initiative, we developed a close partnership with these schools. It was not an easy task. Local union members showed tremendous courage and agreed to amend their collective bargaining agreements to work longer hours, more days, and be evaluated on stringent requirements, including student data. School boards had to agree in a couple of schools to replace their long-standing high school principal. Administrators had to agree that things were going to change, and OPI would be there to work alongside them on every aspect of this change. Communities had to agree to become more involved and connected to the school.

We have four staff on the ground in each of these schools to work with the administration, teachers, the school board and the community. This work is by no means easy. In fact, there are difficulties at every turn. It is, however, vitally important work, and small stories of success are emerging. One of our community liaisons does home visits and asks families to describe the hopes and dreams they have for their children.

One mother, who does not have her own high school diploma, hopes her daughter achieves her dream of becoming a mechanical engineer and that her son reaches his goal of going into the military. She knows that her number one job is to get her children to school every day, to celebrate their academic success, and to believe in them. She posts their perfect-attendance certificates on her living room wall.

In another community, our staff identified ten students who were on their way to dropping out because they lack enough credits to graduate. Working with the school, our staff brought these students to a multiple-day training to help them reassess their choices and to imagine a better life for themselves. These students now meet every week to support each other to stay in school.

I grew up and attended school in a similar community - Browning. I received a quality education from Browning schools that led me to college, graduate school, and law school. The educational foundation I received in Browning led me to the teaching profession, the legal profession, and into a statewide elected position.

I know these schools of promise are capable of providing a quality education. I know these communities can come together to support their children and help them achieve greatness. There are students watching in Frazer today – one of our Schools of Promise. I know the students in Frazer are just as brilliant and capable as any other student in any of our other schools in Montana. I have high expectations of you – students - and I need you to succeed – all of us in this chamber need you to succeed.

We will continue to work in partnership with the schools of promise to make sure their students are offered the opportunity to reach their full educational potential.

As State Superintendent, I strive to remain focused on meeting students' needs in our work. That is why we do such demanding work in all our initiatives, like Schools of Promise. We are tough, but fair, in our work with schools, educators, and communities, because sometimes children's lives hang in the balance.

I feel it is very important to bring a student voice to the table on state education issues. Oftentimes, adults plan and discuss educational policy, but we rarely talk to the people who will be most directly affected by our plans and discussions – the students. To meet this purpose, I recently brought together 40 students from 31 schools to meet as the first-ever State Superintendent's Student Advisory Board. This student group is very diverse. They come from Twin Bridges, Browning, Glasgow, Wibaux, and all points in between. Some are involved in extra-curricular activities; some get good grades, and some, not so good. Some have a great network of support that helps them get through school; some have had to overcome big challenges in life to stay in school. Some of them have dropped out of school and dropped back in; and some are going to be the valedictorian

or salutatorian of their graduating class. But, all of them expressed their belief that becoming educated is important to their future success. These young people, both in the Advisory Group and in our schools, inspire my work as State Superintendent. My discussions with them always remind me that they are counting on us to do the right things – to create good student-centered policies, to set high expectations, and to support them in achieving their dreams.

And, we have had the legislature's help in the past to create relevant, real-world learning experiences for students and flexibility in their educational settings. The 2009 Legislature provided a piece of this flexibility by funding the Montana Digital Academy – an online learning opportunity for high school students.

It has just started its second semester and has over 2,000 students from 120 high schools enrolled in its 54 classes. Students in schools from Libby to Lodge Grass and from Westby to Whitefish are able to access classes as varied as AP English to Native American Studies to Mandarin Chinese to Oceanography. The governor's budget includes continued funding for the Digital Academy. I urge you to continue this successful innovative program so it continues to meet the growing demand for online learning. Our public education system must help students prepare for a future we have not yet imagined – and they need you to help them be successful.

We often hear a lot about a seamless education system that spans from Kindergarten through graduate school. Commissioner Sheila Stearns and I frequently bring our top policy teams together to talk about meeting our common goals of implementing dual enrollment, decreasing remediation rates, providing a comprehensive system of online learning, and working on smooth transitions for students. Our offices also work together on Big Sky Pathways, which provides career and technical courses in high schools that often lead to high-paying skilled jobs or a two-year college degree program.

All of Montana's high school students take at least one technical education course and over half take at least three classes. The state money for this program was stripped from our budget last week. I know Commissioner Stearns stands with me in urging you to restore these funds so high school students can continue to take these courses that help them become Montana's future work force.

I sincerely appreciate Commissioner Stearn's leadership in post-secondary education, her commitment to create an educated workforce in Montana, and her willingness to work with me toward an aligned, coherent kindergarten through college education system. Thank you for your partnership with K-12, Sheila.

I also work closely with the State Board of Public Education – the body that establishes accreditation standards – those targets of quality that schools must reach. The OPI implements the Board's standards and makes sure that schools are working toward these targets. I appreciate Chairperson Patty Meyer's leadership on the Board because she certainly has a "students come first" approach. Thank you, Patty, for your commitment to students.

I would also like to recognize the Board of Public Education members seated in the gallery. Please stand. Thank you for your leadership on this most important board.

Patty and I know that we need to continually improve our system for the next generation of learners. To prepare Montana schools to excel in the 21st century, we organized a task force of stakeholders to review a major part of the Board's accreditation standards to make them more performance based – using data to determine whether a school is providing a quality education. We understand that local districts know best how to deliver a quality education and this new accreditation model will give schools of all sizes the flexibility to offer high quality learning opportunities while insuring that students and staff are treated in a professional manner.
To ensure our students are held to the highest academic standard, I am working with the Board to join 40 other states in adopting common national standards in reading and math that will provide a clear understanding to students and parents of what students are expected to learn in school – from grade to grade, school to school, and state to state.

The OPI also signed on as a governing state (meaning we get to fully participate and vote) in a national consortia that is developing assessments to measure these common standards. This means that we will have common standards that are measured by a common assessment that will let us know how our students stack up to the rest of the country. Given our track record of excellent educational outcomes, I welcome that opportunity.

Since becoming Superintendent, I have worked closely with the Legislature toward continuous improvement of the K-12 system. Last session, Senator Lake sponsored HJR 6 that called on my office, the BPE and the Legislature to develop K-12 shared policy goals.

My staff, Chairperson Patty Myers, along with Senator Bob Lake, Senator Bob Hawks, Senate President Jim Peterson, and Representative Edie McClafferty met several times during the interim, discussed the future of Montana's education system, and established several priority goals we could all work on together. These shared policy goals were meant to be used by the Legislature during this session to frame education budget initiatives and other policy recommendations for the 2013 biennium, and I have offered several policy and budget legislative requests that matched these goals. These are the promises we intend to keep with this legislative body, but we need you to be a partner in meeting these goals and do what's necessary on your end as well.

I know that you are dealing with difficult decisions about revenue and your constitutional duty to leave the session with a balanced budget. Our state constitution also says that "the legislature shall provide a basic system of free quality public elementary and secondary schools."

We cannot allow our current revenue challenge to be an excuse for our state to retreat from our long tradition of providing every child a quality education. In fact, we must take this opportunity to prioritize funding for public education because quality schools are the key to lifting our state out of its recession and ensuring its long-term prosperity. Failure to invest in public education now will lead to disappointment in every other possible investment.

I know you are struggling to create a Montana of which all of us can be proud. And, of course, I urge you to continue to adequately fund public education. We must not forget, however, that while making critical investments in our students – those who will lead this state in the future – we must also protect those who are less fortunate and support those who are struggling mightily to lead a middle-class life, stay healthy, send their children to college, and retire with dignity. Those are

Montana values. And, that is the role of government – to provide safety nets for people when necessary, to keep our communities safe, to create jobs, and to ensure educational opportunities for all. In fact, working together – in the light of day - is our best hope for achieving better lives for students and for all Montanans.

As we move through the next couple of months, please remember the critical importance of K-12 public education to our economic future and the lives of all of Montana children. You must maintain the quality and excellence in our public school system that our constituents have come to expect. The Governor has submitted a budget to you that prioritizes the government's duties, adequately funds K-12 education and leaves money in the bank.

Our students are doing well today because of the investments that the Legislature has made in the past. We know that when the state cuts support for public schools, local taxpayers are forced to pick up the tab in order to maintain excellence. Shifting the burden to local taxpayers in this manner has the same effect as an unfunded mandate. I urge you to fund K-12 education to the levels you find in the Governor's budget.

Priorities do matter. As leaders, you must be courageous and choose to prioritize and invest in our public education system. You must tell young people that you believe in them and then back it up with action. Resist the temptation to cut funds to schools, and instead, do what has to be done, and protect our most valuable long-term resource – our students.

I thank you, members of the Legislature, for serving the people of Montana. Leadership is never easy. However, leadership, especially in challenging times, means that you do the right thing. I ask that you do the right thing for those students sitting in classes right now who enjoy learning new things. Do the right thing for that single mother struggling to make ends meet who is counting on you to help deliver a quality education to her child so he has the opportunity for future economic success. It is only by maintaining a quality education system that we will truly meet our state's hopes and dreams

The committee escorted Superintendent Juneau and honored guests from the Joint session.

Senator Essmann moved that the Joint session be adjourned. Motion carried.

The joint session adjourned and the Senate reconvened at 1:54 p.m.

BILLS AND JOURNALS: 2/16/2011

Correctly printed: **SB 15**, **SB 199**, **SB 266**, **SB 307**.
Correctly engrossed: **SB 1**, **SB 219**.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 2/15/2011

HB 28, introduced by McNutt
HB 218, introduced by Miller
HB 263, introduced by Vance
HB 287, introduced by Clark
HB 324, introduced by MacLaren
HB 336, introduced by Menahan
HB 339, introduced by Bangerter
HB 348, introduced by Malek
HB 354, introduced by Stahl

MOTIONS

Senator Sonju moved that **SB 111** be reconsidered and be placed on second reading. Motion carried as follows:

Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 27

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Absent or not voting: None.
Total 0

Excused: Buttrey.
Total 1

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 373, introduced by Shockley, referred to Local Government.
SB 374, introduced by Olson, referred to State Administration.
SB 375, introduced by Walker, Zinke, Moore, Jackson, Wittich, Hinkle, Buttrey, Brenden, Mowbray, Steinbeisser, Keane, Debby Barrett, Vance, Arthun, Priest, Knox, Jones, referred to Business, Labor, and Economic Affairs.
SB 376, introduced by Lake, referred to Taxation.

SB 377, introduced by Gillan, Hiner, Gallus, Hill, Erickson, Larsen, Kaufmann, Hawks, K. Williams, MacDonald, Hands, Stewart-Peregoy, McClafferty, Blewett, Jent, Squires, Sesso, Hollenbaugh, Facey, Malek, McChesney, Augare, Keane, Hamlett, Sands, Pease-Lopez, Menahan, Belcourt, MacDonald, Driscoll, Branae, Moss, Wanzenried, Vuckovich, Phillips, Mehlhoff, Reinhart, Court, Caferro, C. Williams, Dick Barrett, Wilmer, Noonan, Schmidt, Swanson, B. Bennett, McNally, Van Dyk, referred to Finance and Claims.
SB 378, introduced by Zinke, referred to Taxation.
SB 379, introduced by Olson, referred to Taxation.
SB 380, introduced by Gillan, Facey, Squires, Zinke, Hollenbaugh, Van Dyk, Jent, Keane, Augare, referred to State Administration.
SB 381, introduced by Jones, Mehlhoff, Cook, Osmundson, Hollandsworth, J. Peterson, referred to Agriculture, Livestock and Irrigation.
SB 382, introduced by Gillan, Tutvedt, referred to Finance and Claims.
SB 383, introduced by Jones, referred to Local Government.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Essmann moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Moore in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 134 - Senator Olson moved **SB 134** do pass. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 27

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Absent or not voting: None.
Total 0

Excused: Buttrey.
Total 1

Senator Facey raised a point of personal privilege and corrected his statement regarding constitutional mandates.

SB 184 - Senator Van Dyk moved **SB 184** do pass. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Caferro, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Lake, Larsen, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tropila, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Wittich, Zinke, Mr. President.
Total 40

Nays: Augare, Erickson, Kaufmann, Keane, Moss, Stewart-Peregoy, Tutvedt, Williams, Windy Boy.
Total 9

Absent or not voting: None.
Total 0

Excused: Buttrey.
Total 1

SB 229 - Senator Sonju moved **SB 229** do pass. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Buttrey.
Total 1

SB 267 - Senator Vincent moved **SB 267** do pass. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Buttrey.
Total 1

SB 42 - Senator Shockley moved **SB 42** do pass. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brown, Erickson, Essmann, Facey, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Kaufmann, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Olson, Shockley, Steinbeisser, Tropila, Van Dyk, Vuckovich, Walker, Wanzenried, Williams, Wittich, Zinke, Mr. President.
Total 35

Nays: Brenden, Caferro, Gallus, Hinkle, Jones, Keane, Murphy, Priest, Ripley, Sonju, Stewart-Peregoy, Tutvedt, Vincent, Windy Boy.
Total 14

Absent or not voting: None.
Total 0

Excused: Buttrey.
Total 1

SB 54 - Senator Balyeat moved **SB 54** do pass. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 27

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Absent or not voting: None.
Total 0

Excused: Buttrey.
Total 1

Senator Essmann moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Peterson in the chair. Chairman Moore moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Caferro, Erickson, Essmann, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jones, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wittich, Zinke, Mr. President.
Total 40

Nays: Facey, Jent, Kaufmann, Keane, Stewart-Peregoy, Tropila, Wanzenried, Williams, Windy Boy.
Total 9

Absent or not voting: None.
Total 0

Excused: Buttrey.
Total 1

MOTIONS

Senator Olson moved **SB 379** be moved from the Taxation committee to the Local Government committee. Without objection, so ordered.

Senator Lake moved **SB 346** be moved from the Judiciary committee to the Taxation committee. Without objection, so ordered.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 15 passed as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brown, Caferro, Erickson, Essmann, Facey, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moss, Mowbray, Murphy, Olson, Priest, Shockley, Sonju, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Mr. President.
Total 42

Nays: Brenden, Gallus, Moore, Ripley, Steinbeisser, Wittich, Zinke.
Total 7

Absent or not voting: None.
Total 0

Excused: Buttrey.
Total 1

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Essmann moved that the Senate adjourn until 1:00 p.m., Thursday, February 17, 2011. Motion carried.

Senate adjourned at 3:25 p.m.

MARILYN MILLER
Secretary of the Senate

JIM PETERSON
President of the Senate

SENATE JOURNAL
62ND LEGISLATURE
THIRTY-NINTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
February 17, 2011 — State Capitol

Senate convened at 1:00 p.m. President Peterson presiding. Invocation by Chaplain Keith Johnson. Pledge of Allegiance to the Flag. Roll Call. All members present. Quorum present.

BILLS AND JOURNALS: 2/17/2011

Correctly printed: **SB 42**, **SB 54**, **SB 111**, **SB 134**, **SB 184**, **SB 205**, **SB 224**, **SB 228**, **SB 229**, **SB 267**, **SB 270**, **SB 271**, **SB 275**, **SB 285**, **SB 296**, **SB 335**, **HJR 4**.
Correctly engrossed: **SB 13**, **SB 114**, **SB 198**, **SB 207**, **SB 212**, **SB 225**, **SB 226**, **SB 227**, **SB 237**, **SB 251**, **SB 255**, **SB 258**, **SB 269**, **SB 272**, **SB 277**, **SJR 4**, **HB 132**.

SPECIAL ORDERS OF THE DAY

PROCLAMATION to Recognize the Centennial Year of the
Montana Nurses Association

WHEREAS, in 2012 the Montana Nurses Association will celebrate its 100th anniversary of providing invaluable services to those in need of health care across our state; and

WHEREAS, for a century, the Montana Nurses Association, supported by its professional staff and resources, has proudly represented the voice of licensed nurses across the state; and

WHEREAS, in Montana there are over 16,000 nurses, including Registered Nurses, Licensed Practical Nurses, and Advanced Practice Registered Nurses, working in hospitals, nursing homes, home care, hospice, outpatient clinics, nursing education, schools, public health, the insurance industry, and much more; and

WHEREAS, scientific research has shown that the direct involvement and sufficient numbers of professional nurses positively impact patient outcomes and are the key to the delivery of safe, effective patient care; and

WHEREAS, the Montana Nurses Association provides leadership for the nursing profession and promotes quality health care for consumers through research, continuing education, and advocacy and by influencing health care policy in Montana.

NOW, THEREFORE, BE IT PROCLAIMED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:
That the State of Montana recognizes the Montana Nurses Association's contributions to the health of the citizens of our state for the past 100 years.

BE IT FURTHER RESOLVED that the 62nd Session of the Montana Legislature commends and salutes the centennial of the Montana Nurses Association during the year and the celebration of this historic event commencing on February 17, 2011.

BE IT FURTHER RESOLVED, that a copy of this proclamation be transmitted to the Montana Nurses Association at 20 Old Montana State Highway, Montana City, Montana 59634.

Submitted by: Representative Cynthia Hiner, February 17, 2011.

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Balyeat, Chairman): 2/17/2011
SB 260, introduced bill, be amended as follows:

1. Title, page 1, line 6.
Strike: the first "THE"
Insert: "GENERAL"

2. Page 1, line 15.
Following: "customer."
Insert: "For the purposes of this subsection, the term "factors" means general levels of insurance score rankings, case characteristics, and general rating information but does not include trade secrets, proprietary rating information, or algorithms used to develop insurance scores."

3. Page 1, line 17.
Following: "customers."
Insert: "The format may include internet websites or standard language in the coverage outline."

And, as amended, do pass. Report adopted.

SB 287, introduced bill, be amended as follows:

1. Page 3, line 8.
Strike: "<u>except as provided in subsection (3),</u>"
Following: "corporation or"
Insert: ", except as provided in subsection (3), a"

2. Page 4, line 22.
Following: "company;"
Insert: "or"

3. Page 4, lines 23 line 24.
Strike: subsection (v) in its entirety
Renumber: subsequent subsection

4. Page 6, line 8.
Following: "company;"
Insert: "or"

5. Page 6, lines 9 through 10.
Strike: subsection (v) in its entirety
Renumber: subsequent subsection

And, as amended, do pass. Report adopted.

SB 289, do pass. Report adopted.
SB 290, do pass. Report adopted.

EDUCATION AND CULTURAL RESOURCES (Zinke, Chairman): 2/16/2011
SB 208, introduced bill, be amended as follows:

1. Title, line 6.
Strike: "PUPIL-INSTRUCTION-RELATED"
Insert: "PUPIL-INSTRUCTION"

Following: "DAY"
Insert: "AND DOES NOT COUNT TOWARD THE MINIMUM AGGREGATE HOURS OF PUPIL INSTRUCTION"

2. Page 1, line 18.
Strike: "pupil-instruction-related"
Insert: "pupil-instruction"

Following: "day"
Strike: ", as defined in 20-1-304"
Insert: "and does not count toward minimum aggregate hours of pupil instruction provided for in 20-1-301"
Following: ";"
Insert: "and"

3. Page 1, line 19 through line 20.
Strike: subsection (b) in its entirety
Renumber: subsequent subsection

And, as amended, do pass. Report adopted.

SB 280, do pass. Report adopted.
SJR 11, introduced joint resolution, be amended as follows:

1. Title, line 10.

Following: "REPORT TO THE"
Strike: "MONTANA LEGISLATURE"
Insert: "EDUCATION AND LOCAL GOVERNMENT INTERIM COMMITTEE"

2. Page 1, line 17 through line 18.
Strike: line 17 through line 18 in its entirety

3. Page 2, line 15.
Following: "teaching,"
Insert: "research, or community service,"

4. Page 2, line 16.
Strike: "2-year"
Insert: "standard"

5. Page 2, line 23 through line 24.
Strike: "Montana Legislature"
Insert: "Education and Local Government Interim Committee"
Following: "than"
Strike: "September 30"
Insert: "August 15"

And, as amended, do pass. Report adopted.

JUDICIARY (Murphy, Chairman): 2/17/2011
SB 279, introduced bill, be amended as follows:

1. Title, line 5.
Following: "FOR"
Strike: "LEGISLATORS AND"

2. Page 1, line 25.
Following: "by a"
Strike: "legislator or a"

And, as amended, do pass. Report adopted.

SB 337, introduced bill, be amended as follows:

1. Page 2, line 18.
Following: "45-7-201"
Strike: "or, where applicable,"
Insert: "and is punishable as"

2. Page 3, line 18.

Following: "perjury"
Strike: "or, where applicable,"
Insert: "and is punishable as"

3. Page 4, line 21.
Following: "guardianship, or the"
Strike: "conservatee"
Insert: "protected person"

4. Page 4, line 23.
Following: "estate,"
Strike: "guardianship, or conservatorship"
Insert: "ward, or protected person"

5. Page 4, line 25 through line 26.
Following: "estate," on line 25
Strike: remainder of line 25 through "conservatorship" on line 26
Insert: "ward, or protected person"

6. Page 4, lines 27 and 28.
Following: "estate," on line 27
Strike: remainder of line 27 through "appointed" on line 28
Insert: "ward, or protected person"

And, as amended, do pass. Report adopted.

LOCAL GOVERNMENT (Sonju, Chairman): 2/16/2011
SB 91, introduced bill, be amended as follows:

1. Page 1.
Following: line 23
Insert: "NEW SECTION. **Section 2. Contingent voidness.** If [LC 1283] is not passed and approved, then [this act] is void."
Renumber: subsequent section

And, as amended, do pass. Report adopted.

SB 183, introduced bill, be amended as follows:

1. Title, line 6.
Following: "CIRCUMSTANCES;"
Insert: "PROHIBITING ESTABLISHMENT OF AN INTERIM ZONING DISTRICT OR INTERIM REGULATION TO PREVENT AGRICULTURAL ACTIVITIES;"

2. Page 2, line 14.

Strike: "or federal"
Following: "agency"
Insert: "under Title 75, Title 76, chapter 4, or Title 82"

3. Page 2, line 15.
Strike: "a complete"
Insert: "an"

4. Page 2.
Following: line 17
Insert: "(5) A board of county commissioners may not establish an interim zoning district or interim regulation to prevent agricultural activities, as provided in Title 76, chapter 2, part 9."

And, as amended, do pass. Report adopted.

SB 191, introduced bill, be amended as follows:

1. Page 1, line 7 through line 17.
Strike: "WHEREAS" on line 7 through "inspection." on line 17

2. Page 2, lines 2 and 3.
Strike: "on" on line 2 through "executed" on line 3
Strike: "an offer for" on line 3

3. Page 2, line 4.
Strike: "or seller's agent"

4. Page 2, line 7 through line 11.
Strike: "WHERE" on line 7 through "INFRASTRUCTURE" on line 11
Insert: "THAT COLLECTS, TREATS, AND DISPOSES OF SEWAGE. A POORLY MAINTAINED SEPTIC SYSTEM MAY MALFUNCTION, DAMAGING PROPERTY AND DEGRADING WATER QUALITY. THE BUYER UNDERSTANDS THAT SEPTIC SYSTEMS REQUIRE REGULAR MAINTENANCE, REPAIR, AND POTENTIAL REPLACEMENT TO PROTECT PUBLIC HEALTH, WATER QUALITY, AND PRIVATE PROPERTY. IT IS THE BUYER'S OBLIGATION TO DETERMINE THE CONDITION OF THE SEPTIC SYSTEM. THE BUYER MAY HIRE A QUALIFIED INSPECTOR TO INSPECT THE SEPTIC SYSTEM AND ASSOCIATED INFRASTRUCTURE AND MAKE ANY CONTRACT CONTINGENT UPON THE RESULTS OF THAT INSPECTION"

5. Page 2, line 12.
Following: "If"
Insert: "the information is"
Strike: "after reasonable investigation"
Strike: "or the seller's agent"
Following: "shall provide"

Insert: "for the disclosure"

6. Page 2, line 13.
Strike: "or upon entry into a contract for"

7. Page 2, line 14.
Following: "system;"
Insert: "and
(b) any other records of septic system and drainfield maintenance, repair, and location."

8. Page 2, lines 15 through 18.
Strike: "(b)" on line 15 through "property." on line 18

9. Page 2, line 20.
Strike: "or the seller's agent"

10. Page 2, lines 23 and 24.
Strike: subsection (4) in its entirety

And, as amended, do pass. Report adopted.

SB 234, introduced bill, be amended as follows:

1. Page 1, line 12.
Following: "~~(1)~~"
Insert: "(1)"

2. Page 1, line 16 through line 19.
Strike: "until" on line 16 through "69-12-314." on line 19

3. Page 1.
Following: line 29
Insert: "for 5 years following annexation or incorporation except upon a proper showing to the public service commission that the existing carrier is unable to or refuses to provide adequate service to the annexed or incorporated area.

(2) In order to provide garbage and solid waste disposal service to the annexed or incorporated area, the municipality shall first fully compensate the private motor carrier for the resulting damage to its business, including but not limited to the diminished fair market value of the business and diminished value of the Class D certificate issued by the public service commission under 69-12-314.

(3) For the purposes of determining whether an existing motor carrier provides adequate service, those services provided by the carrier prior to annexation are considered adequate services."

And, as amended, do pass. Report adopted.

SB 236, introduced bill, be amended as follows:

1. Title, line 7.
Strike: "SECTIONS 7-14-4105 AND"
Insert: "SECTION"

2. Page 1, line 12 through line 21.
Strike: section 1 in its entirety
Renumber: subsequent sections

And, as amended, do pass. Report adopted.

SB 283, do pass. Report adopted.
SB 302, do pass. Report adopted.

NATURAL RESOURCES (Barrett, Chairman): 2/16/2011
SB 286, introduced bill, be amended as follows:

1. Title, page 1, line 4.
Strike: "CLARIFYING"
Insert: "MODIFYING"

2. Title, page 1, line 5 through line 6.
Strike: "CLARIFYING" on line 5 through "PROCEDURES;" on line 6

3. Page 1, line 11 through page 3, line 15.
Strike: section 1 in its entirety
Insert: "Section 1. Section 82-4-226, MCA, is amended to read:

"82-4-226. Prospecting permit. (1) Except as provided in subsection ~~(8)~~ (7), prospecting by any person on land not included in a valid strip-mining or underground-mining permit is unlawful without possessing a valid prospecting permit issued by the department as provided in this section. A prospecting permit may not be issued until the person submits an application, the application is examined, amended if necessary, and approved by the department, and an adequate reclamation performance bond is posted, all of which prerequisites must be done in conformity with the requirements of this part.

(2) ~~An~~ Except for an application filed pursuant to subsection (8), an application for a prospecting permit must be made in writing, notarized, and submitted to the department in duplicate upon forms prepared and furnished by it. The application must include among other things a prospecting map and a prospecting reclamation plan of substantially the same character as required for a surface-mining or underground-mining map and reclamation plan under this part. The department shall determine by rules the precise nature of the required prospecting map and reclamation plan. Any applicant who intends to prospect by means of core drilling shall specify the location and number of holes to be drilled, methods to be used in sealing aquifers, and other information that may be required by the department. The applicant shall state what types of prospecting and excavating techniques will be employed on the affected land. The application must

also include any other or further information that the department may require.

(3) Before the department gives final approval to the prospecting permit application, the applicant shall file with the department a reclamation and revegetation bond in a form and in an amount as determined in the same manner for strip-mining or underground-mining reclamation and revegetation bonds under this part.

(4) In the event that the holder of a prospecting permit desires to strip mine or underground mine the area covered by the prospecting permit and has fulfilled all the requirements for a strip-mining or underground-mining permit, the department may permit the postponement of the reclamation of the acreage prospected if that acreage is incorporated into the complete reclamation plan submitted with the application for a strip-mining or underground-mining permit. Any land actually affected by prospecting or excavating under a prospecting permit and not covered by the strip-mining or underground-mining reclamation plan must be promptly reclaimed.

(5) The prospecting permit is valid for 1 year and is subject to renewal, suspension, and revocation in the same manner as strip-mining or underground-mining permits under this part.

(6) The holder of the prospecting permit shall file with the department the same progress reports, maps, and revegetation progress reports as are required of strip-mining or underground-mining operators under this part.

(7) (a) Prospecting that is not conducted in an area designated unsuitable for coal mining pursuant to 82-4-227 or 82-4-228, that is not conducted for the purpose of determining the location, quality, or quantity of a mineral deposit, and that does not remove more than 250 tons of coal is not subject to subsections (1) through (6). In addition, coal prospecting that is conducted to determine the location, quality, or quantity of a mineral deposit outside an area designated unsuitable, that does not remove more than 250 tons of coal, and that does not substantially disturb the natural land surface is not subject to subsections (1) through (6). However, except for a prospecting operation for which a permit is required by subsection (7)(b), a person who conducts prospecting described in this subsection shall file with the department a notice of intent to prospect that contains the information required by the department before commencing prospecting operations. If this prospecting substantially disturbs the natural land surface, it must be conducted in accordance with the performance standards of the board's rules regulating the conduct and reclamation of prospecting operations that remove coal. The department may inspect these prospecting and reclamation operations at any reasonable time.

(b) Prospecting conducted to determine the location, quality, or quantity of coal outside an area designated unsuitable that is not included in a valid strip-mining or underground-mining permit and that does not remove more than 250 tons of coal may not be conducted without a valid prospecting permit issued pursuant to subsection (8).

(8) (a) An application for a coal prospecting permit required by subsection (7)(b) must contain:

(i) the name, address, and telephone number of the person who seeks to prospect;

(ii) the name, address, and telephone number of the person's representative who will be present at and responsible for conducting the prospecting activities;

(iii) a narrative describing the proposed prospecting area or a map of the prospecting area at a scale of 1:24,000 or greater showing:

(A) the general location of drill holes and trenches;

(B) existing and proposed roads;

(C) occupied dwellings;

(D) topographic features;

(E) bodies of water; and
(F) pipelines;
(iv) a copy of the documents upon which the applicant bases its legal right to prospect, including documentation that the owners of the land affected have been notified and understand that the department will make investigations and inspections to ensure compliance;
(v) a statement of the period of intended prospecting; and
(vi) a description of the method of prospecting to be used and the practices that will be followed to protect the environment and reclaim disturbed areas, including plugging of prospecting holes in accordance with rules adopted by the board.
(b) Within 10 working days of receipt of an application, the department shall notify the applicant in writing as to whether the application is complete and preliminarily acceptable. If the department determines that the application is not complete or not preliminarily acceptable, the department shall include a detailed identification of information necessary to cure the deficiency.
(c) Within 5 working days of receipt of the applicant's response to the identified deficiencies, the department shall review the response and notify the person as to whether the application is complete and preliminarily acceptable. If the department determines the application is not complete or preliminarily acceptable, the department shall notify the person in writing and include a detailed identification of information necessary to make the application complete and preliminarily acceptable.
(d) When the department determines that the application is complete and preliminarily acceptable, the department shall notify the applicant in writing. The notification must include the amount of bond that is required to be posted in order for the permit to be issued.
(e) Upon receipt of the department's determination of preliminary acceptability, the applicant shall place an advertisement in a newspaper of general circulation in the locality of the proposed prospecting. The notice must describe the application and a place in the locality where the public may examine the application and must notify the public that it may submit written comments by delivering or mailing them to the department within 10 days following publication of the notice.
(f) After close of the public comment period, the department shall notify the applicant as to whether the application is acceptable. The department shall issue the notification within 5 working days of the close of the comment period if no comments are received and within 10 working days if comments are received. In the notice of acceptability, the department shall notify the applicant of any adjustment in the amount of the bond.
(g) A permit issued pursuant to this subsection (8) is subject to subsections (3) through (6).""

And, as amended, do pass. Report adopted.

SB 299, introduced bill, be amended as follows:

1. Title, page 1, line 7.
Following: "STATE;"
Insert: "DEFINING THE TERM "NAVIGABLE";
Following: "MCA;"
Insert: "REPEALING SECTION 70-18-202, MCA;"

2. Page 1, line 17.
Strike: "change"
Insert: "avulsion occurred"
Following: "in"
Insert: "the"

3. Page 1, line 18.
Strike: "an island"
Insert: "wholly surrounded by water"

4. Page 1.
Following: line 20
Insert: "(4) For the purposes of this section, "navigable" means a river or stream adjudicated as navigable for title purposes by a court of competent jurisdiction."

5. Page 1, line 24.
Following: the second "section"
Insert: "and subject to Title 70, chapter 18, part 2"

6. Page 2.
Following: line 4
Insert: "(3) For the purposes of this section:
(a) "abandoned bed" means a river bed or stream bed with no water over it; and
(b) "navigable" means a river or stream adjudicated as navigable for title purposes by a court of competent jurisdiction."
Insert: "NEW SECTION. **Section 3. Repealer.** The following section of the Montana Code Annotated is repealed:
70-18-202. Sudden removal of bank -- right of owner to reclaim."
Renumber: subsequent sections

And, as amended, do pass. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Priest, Chairman): 2/16/2011
SB 2, do pass. Report adopted.
SB 241, introduced bill, be amended as follows:

1. Page 2, line 17.
Following: "conversion factor is"
Strike: "a minimum of"

2. Page 2, line 19.
Following: "services."
Insert: "The conversion factor may be adjusted by the department in order to maintain reimbursement, at a minimum, at the fiscal year 2010 reimbursement rate."

And, as amended, do pass. Report adopted.

STATE ADMINISTRATION (Shockley, Chairman): 2/16/2011
SB 113, introduced bill, be amended as follows:

1. Page 4, line 8 through line 14.
Strike: section 2 in its entirety
Insert: "NEW SECTION. **Section 2. Transfer of excess school district retirement fund reserves to retirement systems.** (1) On September 1, 2011, the trustees of a district maintaining a retirement fund as provided in 20-9-501 shall pay to the teachers' retirement system and the public employees' retirement system the lesser of:

(a) the amount earmarked as an operating reserve on the adopted retirement fund budget for fiscal year 2011 minus 20% of the adopted retirement fund budget for fiscal year 2011; or

(b) the retirement fund balance for fiscal year 2011 minus the allowable retirement fund operating reserve for fiscal year 2012.

(2) To determine the amounts to be paid to each retirement system as required by subsection (1), the trustees of a district shall use the same ratio of payments made to the retirement systems in fiscal year 2011."

And, as amended, do pass. Report adopted.

SB 284, introduced bill, be amended as follows:

1. Page 1, line 24 through line 25.
Following: "(3)"
Strike: remainder of line 24 through line 25

2. Page 1, line 26.
Following: "chosen"
Insert: "under either subsection (1) or (2)"

And, as amended, do pass. Report adopted.

SB 311, introduced bill, be amended as follows:

1. Page 2, line 23.
Following: line 22
Insert: "(c) "Current term", as used in Article IV, section 8, of the Montana constitution, means the term for which the candidate seeking office is filing."

And, as amended, do pass. Report adopted.

MESSAGES FROM THE GOVERNOR

February 16, 2011

The Honorable Jim Peterson
President, Montana State Senate
Capitol Station
Helena, Montana 59620

Dear President Peterson:

Attached please find an additional list of appointments to various boards, councils and commissions that require Senate confirmation. For each appointment, the following information has been supplied:

" Reference to statute and a brief description of the statute
" Name, address and phone number(s) for each appointee
" Appointee qualifications and term of appointment
" Brief biographies

Additional information, including a complete list of gubernatorial appointees, is available online at: http://boards.mt.gov. Please don't hesitate to contact our office if my staff or I can be of assistance to you.

Sincerely yours,

BRIAN SCHWEITZER
Governor

Copy to: Marilyn Miller, Senate Secretary; Susan Fox, Legislative Services Division

Board of Architects and Landscape Architects
Bayliss Ward, Bozeman

Electrical Board
Keith Simendinger, Helena

Facility Finance Authority
Joe Quilici, Butte
Kimberly Rickard, Helena
Matthew B. Thiel, Missoula

Human Rights Commission
Cynthia Wolken, Missoula
Lucy Simpson, Helena

Board of Livestock
Linda Nielsen, Nashua
Ed Waldner, Chester
Jeffery S. Lewis, Corvallis

Board of Personnel Appeals
Steve Johnson, Missoula
Jerry Rukavina, Great Falls
David Gallik, Helena
Amy Verlanic, Anaconda

Board of Public Assistance
Helen Barta Schmitt, Sidney

Board of Regents
Major Robinson, Billings

Research and Commercialization Technology Board
On January 12, 2011, the name of Major Robinson, Billings, was sent to the Montana State Senate for confirmation to the Research and Commercialization Technology Board. Mr. Robinson has since resigned from the Board, so confirmation of Mr. Robinson to the Research and Commercialization Technology Board is no longer required. The Governor appointed Mr. Robinson to the Board of Regents, and a request for confirmation of Mr. Robinson's appointment to the seat is listed above.

Board of Speech-Language Pathologists and Audiologists
Cheri Fjare, Big Timber
Alida Wright, Columbia Falls
Beverly Stiller, Lame Deer

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 2/16/2011

HB 86, introduced by Wilmer
HB 237, introduced by Menahan
HB 264, introduced by Vance
HB 265, introduced by Vance
HB 295, introduced by Cook
HB 318, introduced by Warburton
HB 379, introduced by Menahan

HB 206, introduced by MacLaren, requiring adoption by an affirmative roll call vote of two-thirds of all the members of the Legislature, passed the House and was transmitted to the Senate with the following vote: 2/16/2011
Yeas - 67
Nays - 31

MOTIONS

Senator Hinkle moved that **SB 116** be taken from Judiciary and brought before the Committee of the Whole.

Motion **failed** as follows:
Yeas: Balyeat, Brenden, Buttrey, Hamlett, Hinkle, Hutton, Jackson, Lake, Lewis, Moore, Priest, Shockley, Steinbeisser, Walker, Windy Boy.
Total 15

Nays: Arthun, Augare, Barrett, Blewett, Branae, Brown, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hawks, Jent, Jones, Kaufmann, Keane, Larsen, Moss, Mowbray, Murphy, Olson, Ripley, Sonju, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Wittich, Zinke, Mr. President.
Total 35

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Tutvedt moved **SB 353, SB 373, SB 383** be moved from the Local Government committee to the Taxation committee. Without objection, so ordered.

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 384, introduced by Van Dyk, referred to Agriculture, Livestock and Irrigation.
SB 385, introduced by Caferro, referred to Education and Cultural Resources.
SB 386, introduced by Stewart-Peregoy, referred to Education and Cultural Resources.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Essmann moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Facey in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 144 - Senator Brenden moved **SB 144** do pass. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Branae, Brenden, Brown, Buttrey, Essmann, Facey, Hamlett, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley,

Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 31

Nays: Augare, Blewett, Caferro, Erickson, Gallus, Gillan, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 19

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 168 - Senator Van Dyk moved **SB 168** do pass. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 242 - Senator Brenden moved **SB 242** do pass. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Caferro, Essmann, Facey, Gillan, Hamlett, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Vuckovich, Walker, Wanzenried, Wittich, Zinke, Mr. President.
Total 36

Nays: Augare, Blewett, Branae, Erickson, Gallus, Hawks, Kaufmann, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Williams, Windy Boy.
Total 14

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 97 - Senator Shockley moved **SB 97** do pass. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Windy Boy, Wittich, Zinke, Mr. President.
Total 29

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 111 - Senator Sonju moved **SB 111** do pass.

SB 111 - Senator Sonju moved **SB 111**, second reading copy, be amended as follows:

1. Page 2, line 7.
Following: line 6
Insert: "(5) The limitation on liability established by this section based on a violation of the requirement for motor vehicle insurance under 61-6-301 does not apply if, at the time the conduct causing the death or injury occurred, the claimant was not operating or was not a passenger in the claimant's uninsured motor vehicle."
Renumber: subsequent subsections

Amendment adopted as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Branae, Brenden, Brown, Buttrey, Caferro, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Lake, Larsen, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Wittich, Zinke, Mr. President.
Total 40

Nays: Blewett, Erickson, Kaufmann, Keane, Moss, Stewart-Peregoy, Van Dyk, Wanzenried, Williams, Windy Boy.
Total 10

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 111 - Senator Sonju moved **SB 111**, as amended, do pass. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 26

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Jent, Kaufmann, Keane, Larsen, Moss, Shockley, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 24

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 268 - Senator Balyeat moved **SB 268** do pass. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Essmann moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Peterson in the chair. Chairman Facey moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Gallus, Hinkle, Hutton, Jackson, Jones, Lake, Larsen, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 30

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

MOTIONS

Senator Lewis moved **SB 377, SB 382** be moved from the Finance and Claims committee to the Taxation committee. Without objection, so ordered.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 42 passed as follows:
Yeas: Augare, Balyeat, Barrett, Blewett, Branae, Brown, Erickson, Essmann, Facey, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Olson, Shockley, Steinbeisser, Tropila, Van Dyk, Vuckovich, Walker, Wanzenried, Williams, Wittich, Zinke, Mr. President.
Total 33

Nays: Arthun, Brenden, Buttrey, Caferro, Gallus, Hinkle, Jones, Kaufmann, Keane, Murphy, Priest, Ripley, Sonju, Stewart-Peregoy, Tutvedt, Vincent, Windy Boy.
Total 17

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 54 passed as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried,

Williams, Windy Boy.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 134 passed as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Gillan, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Windy Boy, Wittich, Zinke, Mr. President.
Total 30

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams.
Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 184 passed as follows:
Yeas: Arthun, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Essmann, Facey, Gallus, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Lake, Larsen, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Wittich, Mr. President.
Total 38

Nays: Augare, Caferro, Erickson, Gillan, Kaufmann, Keane, Moss, Steinbeisser, Stewart-Peregoy, Williams, Windy Boy, Zinke.
Total 12

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 229 passed as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro,

Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 267 passed as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: Williams.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Essmann moved that the Senate adjourn until 1:00 p.m., Friday, February 18, 2011. Motion carried.
Senate adjourned at 3:09 a.m.

MARILYN MILLER
Secretary of the Senate

JIM PETERSON
President of the Senate

SENATE JOURNAL
62ND LEGISLATURE
FORTIETH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
February 18, 2011 — State Capitol

Senate convened at 1:00 p.m. President Peterson presiding. Invocation by Chaplain Keith Johnson. Pledge of Allegiance to the Flag. Roll Call. All members present. Quorum present.

BILLS AND JOURNALS: 2/18/2011

Correctly printed: **SB 2**, **SB 97**, **SB 144**, **SB 168**, **SB 242**, **SB 268**, **SB 280**, **SB 283**, **SB 289**, **SB 290**, **SB 302**.
Correctly engrossed: **SB 91**, **SB 111**, **SB 113**, **SB 183**, **SB 191**, **SB 208**, **SB 236**, **SB 241**, **SB 243**, **SB 260**, **SB 279**, **SB 284**, **SB 286**, **SB 287**, **SB 299**, **SB 311**, **SB 337, SJ 11**.

REPORTS OF STANDING COMMITTEES

AGRICULTURE, LIVESTOCK AND IRRIGATION (Steinbeisser, Chairman): 2/17/2011
SJR 14, do pass. Report adopted.
HB 294, be concurred in. Report adopted.

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Balyeat, Chairman): 2/18/2011

SB 294, introduced bill, be amended as follows:

1. Title, page 1, line 9.
Following: "EMPLOYED;"
Insert: "PROVIDING ALTERNATE CRITERIA FOR WAGES FOR NEW JOBS;"

2. Page 3, line 30.
Following: "~~employed.~~"
Insert: "A grant may be provided only for a new job for which the average weekly wage is at least 75% of the current average weekly wage of the county in which the employee is to be principally employed or 150% of the state's minimum wage, whichever is less, provided minimum wage requirements are met."

And, as amended, do pass. Report adopted.

SB 341, introduced bill, be amended as follows:

1. Title, page 1, line 6.
Strike: "AND"

2. Title, page 1, line 7.
Following: "MCA"
Insert: "; AND PROVIDING A DELAYED EFFECTIVE DATE"

3. Page 2.
Following: line 2
Insert: "NEW SECTION. **Section 2. Delayed effective date.** [This act] is effective January 1, 2012."
Insert: "NEW SECTION. **Section 3. Contingent voidness.** If the U.S. department of labor declares Montana out of conformity with the Federal Unemployment Tax Act, 26 U.S.C. 3301, et seq., based on the provisions of [this act], [this act] is void. The department of labor and industry shall notify the secretary of state and the code commissioner regarding notification by the U.S. department of labor on the conformity issue by December 31, 2011."

And, as amended, do pass. Report adopted.

SB 342, introduced bill, be amended as follows:

1. Page 4, line 7 through line 9.
Following: "(19)"
Insert: "(a)"
Strike: "means" on line 7 through "employer" on line 9
Insert: "includes but is not limited to the following conduct by an employee:
(i) willful or wanton disregard of the rights, title, and interests of a fellow employee or the employer;
(ii) deliberate violations or disregard of standards of behavior that the employer has the right to expect of an employee;
(iii) carelessness or negligence that causes or is likely to cause serious bodily harm to the employer or a fellow employee; or
(iv) carelessness or negligence of a degree or that reoccurs to a degree to show an intentional or substantial disregard of the employer's interest.
(b) The term does not include:
(i) inefficiency, unsatisfactory conduct, or failure to perform well as the result of inability or incapacity;
(ii) inadvertent or ordinary negligence in isolated instances; or
(iii) good faith errors in judgment or discretion"

And, as amended, do pass. Report adopted.

SB 361, do pass. Report adopted.

ENERGY AND TELECOMMUNICATIONS (Olson, Chairman): 2/17/2011
SB 254, do pass. Report adopted.
SB 292, do pass. Report adopted.
SB 297, introduced bill, be amended as follows:

1. Title, page 1, line 9.
Strike: "THE CONVERSION OF"

Insert: "A FACILITY OR SURFACE PREMISES WHERE"
Following: "COAL"
Insert: "IS CONVERTED"

2. Page 2, line 28.
Following: "operated"
Insert: ", owned, "

3. Page 5, line 26.
Following: the first "the"
Insert: "surface"

4. Page 5, line 28.
Following: the first "or"
Insert: "surface"

And, as amended, do pass. Report adopted.

SB 305, do pass. Report adopted.
SB 320, introduced bill, be amended as follows:

1. Page 3, line 25.
Following: "laws"
Insert: ", with respect to reliability of service,"

And, as amended, do pass. Report adopted.

SB 330, introduced bill, be amended as follows:

1. Page 1.
Following: line 9
Insert: "NEW SECTION. **Section 1. Long-term waiver.** A public utility may petition the commission for a long-term waiver, in whole or in part, of the renewable energy standards required pursuant to 69-3-2004(2) and (3) for compliance years after 2011 if the public utility can show that the procurement of electricity from renewable energy resources or renewable energy credits will result in adverse customer impacts."
Renumber: subsequent sections

2. Page 1, line 13.
Following: "69-3-2007"
Insert: ", [section 1],"
Strike: "(12)"
Insert: "(13)"

3. Page 3, line 4.
Following: "in"
Insert: "[section 1] and"
Strike: "(12)"
Insert: "(13) of this section"

4. Page 3, line 11.
Strike: "A"
Insert: "Except as provided in subsection (12), a"

5. Page 3.
Following: line 27
Insert: "(12) A public utility or competitive electricity supplier may not petition the commission for a waiver pursuant to subsection (10)if the public utility or competitive electricity supplier has insufficient renewable energy credits to comply with subsections (2) and (3) because the public utility or competitive electricity supplier sold renewable energy credits to another party that would otherwise have been used by the public utility or competitive electricity supplier to meet the requirements of subsections (2) and (3)."
Renumber: subsequent subsection

6. Page 4, line 1.
Strike: "(12)(a)"
Insert: "(13)(a)"

7. Page 5, line 16.
Strike: "and (11)"
Insert: "through (12)"

8. Page 5.
Following: line 16
Insert: "(d) define the process by which long-term waivers from full or partial compliance with this part may be granted in accordance with [section 1];"
Renumber: subsequent subsections

9. Page 5.
Following: line 20
Insert: "NEW SECTION. **Section 5. Codification instruction.** [Section 1] is intended to be codified as an integral part of Title 69, chapter 3, part 20, and the provisions of Title 69, chapter 3, part 20, apply to [section 1]."
Renumber: subsequent sections

And, as amended, do pass. Report adopted.

SJR 12, introduced joint resolution, be amended as follows:

1. Page 1, line 13 through line 15.
Strike: line 13 through line 15 in their entirety

And, as amended, do pass. Report adopted.

FISH AND GAME (Brenden, Chairman): 2/17/2011
SB 301, introduced bill, be amended as follows:

1. Title, line 4.
Following: "PURCHASE OF"
Insert: "CERTAIN"

2. Title, line 5.
Strike: "2015"
Insert: "2013"

3. Title, line 6.
Strike: "87-1-285,"

4. Page 2, line 4.
Following: "in fee"
Insert: "if land is more than 100 acres in size or costs more than $100,000"
Strike: "2015"
Insert: "2013"

5. Page 2, line 16.
Following: "in fee"
Insert: "if land is more than 100 acres in size or costs more than $100,000"
Strike: "2015"
Insert: "2013"

6. Page 3, line 4.
Following: "in fee"
Insert: "if land is more than 100 acres in size or costs more than $100,000"
Strike: "2015"
Insert: "2013"

7. Page 5, line 11.
Following: "in fee"
Insert: "if land is more than 100 acres in size or costs more than $100,000"
Strike: "2015"
Insert: "2013"

8. Page 7, line 12.
Following: "in fee"
Insert: "if land is more than 100 acres in size or costs more than $100,000"
Strike: "2015"
Insert: "2013"

9. Page 7, line 14 through page 8, line 2.
Strike: section 5 in its entirety
Renumber: subsequent sections

10. Page 10, line 3.
Following: "in fee"
Insert: "if land is more than 100 acres in size or costs more than $100,000"
Strike: "2015"
Insert: "2013"

11. Page 10, line 27.
Following: "in fee"
Insert: "if land is more than 100 acres in size or costs more than $100,000"
Strike: "2015"
Insert: "2013"

12. Page 11, line 14.
Following: "in fee"
Insert: "if land is more than 100 acres in size or costs more than $100,000"
Strike: "2015"
Insert: "2013"

13. Page 12, line 1.
Following: "in fee"
Insert: "if land is more than 100 acres in size or costs more than $100,000"
Strike: "2015"
Insert: "2013"

14. Page 13, line 3.
Following: "in fee"
Insert: "if land is more than 100 acres in size or costs more than $100,000"
Strike: "2015"
Insert: "2013"

15. Page 13, line 19.
Following: "in fee"
Insert: "if land is more than 100 acres in size or costs more than $100,000"

Strike: "2015"
Insert: "2013"

16. Page 13, line 26.
Strike: "2015"
Insert: "2013"

And, as amended, do pass. Report adopted.

HIGHWAYS AND TRANSPORTATION (Jones, Chairman): 2/17/2011
SB 81, introduced bill, be amended as follows:

1. Title, page 1, line 10.
Following: "61-5-112,"
Strike: "61-5-114,"

2. Page 2, line 21.
Following: line 20
Insert: "(8) A downgrade or subsequent upgrade of a CDLIS driver record pursuant to this section is an electronic transaction. The department may not require the surrender or replacement of a commercial driver's license under this section unless the license is expired.

(9) Unless the commercial driver's license is expired, the department may not require a license holder to take the knowledge and road or skills tests required under 61-5-110 or 61-5-111 to reinstate the commercial driver's license pursuant to subsection (6)."

3. Page 17, line 1 through line 19.
Strike: section 4 in its entirety
Renumber: subsequent sections

4. Page 26, line 27.
Strike: "8 and 9"
Insert: "7 and 8"

5. Page 26, line 28.
Strike: "12 and 13"
Insert: "11 and 12"

And, as amended, do pass. Report adopted.

SB 211, introduced bill, be amended as follows:

1. Title, page 1, line 5.
Strike: "REMOVING"
Insert: "CHANGING"

2. Page 1, line 11.
Following: "~~and~~"
Insert: "that is less than 15 years of age and"

And, as amended, do pass. Report adopted.

SB 278, do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 2/17/2011

HB 25, introduced by Roberts
HB 70, introduced by Menahan
HB 79, introduced by Evans
HB 100, introduced by Vance
HB 133, introduced by Salomon
HB 252, introduced by Hoven
HB 293, introduced by Connell
HB 330, introduced by B. Bennett
HB 361, introduced by Washburn
HB 422, introduced by Hale

MOTIONS

Senator Brenden moved **SB 13** be moved to the Finance and Claims committee. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hamlett, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 29

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

FIRST READING AND COMMITMENT OF BILLS

The following Senate bill was introduced, read first time, and referred to committee:

SB 387, introduced by Buttrey, referred to Business, Labor, and Economic Affairs.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Essmann moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Lake in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 272 - Senator Murphy moved consideration of **SB 272** be placed at the bottom of the second reading board. Motion carried.

SB 307 - Senator Tutvedt moved **SB 307** do pass. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hamlett, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 29

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJR 10 - Senator Priest moved **SJR 10** do pass. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hamlett, Hinkle, Hutton, Jackson, Jones, Keane, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 30

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hawks, Jent, Kaufmann, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 114 - Senator Hinkle moved **SB 114** do pass. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Caferro, Essmann, Hamlett, Hinkle, Hutton, Jackson, Jones, Keane, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 31

Nays: Augare, Blewett, Branae, Erickson, Facey, Gallus, Gillan, Hawks, Jent, Kaufmann, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 19

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 198 - Senator Balyeat moved **SB 198** do pass. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 225 - Senator Priest moved **SB 225** do pass. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake,

Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tropila, Tutvedt, Van Dyk, Vincent, Walker, Wanzenried, Wittich, Zinke, Mr. President.
Total 41

Nays: Caferro, Erickson, Kaufmann, Larsen, Moss, Stewart-Peregoy, Vuckovich, Williams, Windy Boy.
Total 9

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 258 - Senator Buttrey moved **SB 258** do pass. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 271 - Senator Gallus moved **SB 271** do pass. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 227 - Senator Priest moved **SB 227** do pass. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 275 - Senator Zinke moved **SB 275** do pass. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 285 - Senator Olson moved **SB 285** do pass. Motion carried as follows:
Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gillan, Hamlett, Hawks, Hutton, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 44

Nays: Balyeat, Gallus, Hinkle, Jackson, Vincent, Walker.
Total 6

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 269 - Senator Buttrey moved **SB 269** do pass. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jent, Jones, Kaufmann, Keane, Larsen, Moore, Moss, Olson, Ripley, Shockley, Stewart-Peregoy, Tropila, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 39

Nays: Essmann, Jackson, Lake, Lewis, Mowbray, Murphy, Priest, Sonju, Steinbeisser, Tutvedt, Walker.
Total 11

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 272 - Senator Murphy moved consideration of **SB 272** be passed for the day. Motion carried.

Senator Essmann moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Peterson in the chair. Chairman Lake moved the Committee of the Whole report be adopted. Report adopted as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Wittich, Zinke, Mr. President.
Total 46

Nays: Keane, Stewart-Peregoy, Williams, Windy Boy.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 97 passed as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Windy Boy, Wittich, Zinke, Mr. President.
Total 29

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 144 passed as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Gallus, Hinkle, Hutton, Jackson, Jones, Keane, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Vuckovich, Walker, Wittich, Zinke, Mr. President.
Total 31

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gillan, Hamlett, Hawks, Jent, Kaufmann, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried, Williams, Windy Boy.
Total 19

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 168 passed as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro,

Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: Steinbeisser.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 242 passed as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Erickson, Essmann, Facey, Gillan, Hamlett, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tropila, Tutvedt, Van Dyk, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 35

Nays: Augare, Blewett, Branae, Caferro, Gallus, Hawks, Jent, Kaufmann, Keane, Larsen, Stewart-Peregoy, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 15

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 268 passed as follows:
Yeas: Arthun, Balyeat, Barrett, Branae, Brenden, Brown, Buttrey, Essmann, Hamlett, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 30

Nays: Augare, Blewett, Caferro, Erickson, Facey, Gallus, Gillan, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

REPORTS OF STANDING COMMITTEES

JUDICIARY (Murphy, Chairman): 2/18/2011
SB 276, do pass. Report adopted.
SB 324, do pass. Report adopted.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Essmann moved that the Senate adjourn until 8:00 a.m., Saturday, February 19, 2011. Motion carried.

Senate adjourned at 2:52 a.m.

MARILYN MILLER
Secretary of the Senate

JIM PETERSON
President of the Senate

SENATE JOURNAL
62ND LEGISLATURE
FORTY-FIRST LEGISLATIVE DAY

Helena, Montana — Senate Chambers
February 19, 2011 — State Capitol

Senate convened at 8:00 a.m. President Peterson presiding. Invocation by Chaplain Keith Johnson. Pledge of Allegiance to the Flag. Roll Call. All members present, except Senators Blewett, Gallus, excused. Quorum present.

BILLS AND JOURNALS: 2/19/2011

Correctly printed: **SB 114**, **SB 198**, **SB 225**, **SB 227**, **SB 254**, **SB 258**, **SB 269**, **SB 271**, **SB 275**, **SB 276**, **SB 278**, **SB 285**, **SB 292**, **SB 305**, **SB 307**, **SB 324**, **SB 361**, **SJR 10**, **SJR 14**, **HB 294**.

Correctly engrossed: **SB 81**, **SB 211**, **SB 294**, **SB 297**, **SB 301**, **SB 320**, **SB 330**, **SB 341**, **SB 342**, **SJR 12**.

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Balyeat, Chairman): 2/18/2011

SB 352, introduced bill, be amended as follows:

1. Title, page 1, line 5.
Following: "PASSENGER"
Insert: "AND COMMERCIAL"

2. Title, page 1, line 6.
Strike: "INDIVIDUAL'S DRIVING"
Insert: "EXPERIENCE"

3. Page 2.
Following: line 14
Insert: "(c) Special risk classifications may be established for commercial automobile policies. Special risk classifications for commercial automobile policies may be based upon favorable aspects of an insured's claims history that is 5 years old or older. Special risk classifications for commercial automobile policies may not be established based upon loss experience that is 5 years old or older."
Renumber: subsequent subsections

4. Page 4.
Following: line 7
Insert: "(b) An insurer may use no more than 5 years of loss experience when determining whether to refuse to insure, refuse to continue to insure, charge higher rates, or limit the amount of coverage available under a commercial automobile policy. An insurer may provide discounts to an insured under a commercial automobile policy based on favorable aspects of an insured's claims history that is 5 years old or older."

Renumber: subsequent subsection

And, as amended, do pass. Report adopted.

EDUCATION AND CULTURAL RESOURCES (Zinke, Chairman): 2/18/2011
SB 244, do pass. Report adopted.
SB 315, do pass. Report adopted.
SB 355, do pass. Report adopted.
HB 204, be concurred in. Report adopted.
HB 208, be concurred in. Report adopted.

JUDICIARY (Murphy, Chairman): 2/18/2011
SB 347, introduced bill, be amended as follows:

1. Title, line 4 through line 6.
Following: ""AN ACT" on line 4
Strike: remainder of line 4 through "IMPLICATIONS;" on line 6

2. Title, line 7.
Strike: "ACTIONS"
Insert: "PRIVATE PROPERTY ASSESSMENTS"

3. Title, line 8.
Following: "WEBSITE;"
Insert: "AND"

4. Title, line 8 through line 9.
Following: "AGENCY ACTION" on line 8
Strike: remainder of line 8 through "MCA" on line 9
Insert: "FOR FAILURE TO PROVIDE REQUIRED NOTICE"

5. Page 1, line 13 through page 5, line 9.
Strike: section 1 through section 4 in their entirety
Renumber: subsequent sections

6. Page 6, line 6.
Strike: "5"
Insert: "1"

7. Page 6, line 7.
Strike: "5"
Insert: "1"

8. Page 6, line 15 through line 20.
Strike: section 7 in its entirety

Renumber: subsequent sections

9. Page 6, line 26.
Strike: "5 through 7"
Insert: "1 and 2"

10. Page 6, line 28.
Strike: "5 through 7"
Insert: "1 and 2"
And, as amended, do pass. Report adopted.

LOCAL GOVERNMENT (Sonju, Chairman): 2/18/2011
SB 298, do pass. Report adopted.
SB 340, introduced bill, be amended as follows:

1. Page 1, line 13.
Strike: "fire"
Insert: "controlled burning"

2. Page 1, line 19 through line 22.
Following: "that agreement" on line 19
Strike: "and" on line 19 through "section" on line 22
Insert: ", open burning may be conducted between October 1 and May 1 without obtaining a written permit or permission to set a fire. The person, entity, or representative of a person or entity shall:
(i) obtain air quality and ventilation forecasts before igniting or setting the fire; and
(ii) notify the county of the location of the burn area"

And, as amended, do pass. Report adopted.

SB 357, do pass. Report adopted.
SB 379, introduced bill, be amended as follows:

1. Title, line 10 through line 11.
Strike: "SUPERSEDING" on line 10 through "LAWS;" on line 11

2. Page 9, line 17 through line 18.
Strike: section 13 in its entirety
Renumber: subsequent section

And, as amended, do pass. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Priest, Chairman): 2/18/2011
SB 351, do pass. Report adopted.

STATE ADMINISTRATION (Shockley, Chairman): 2/18/2011
SB 374, do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 2/18/2011

HB 81, introduced by Roberts
HB 134, introduced by Squires
HB 203, introduced by Menahan
HB 306, introduced by Berry
HB 310, introduced by Blyton
HB 312, introduced by C. Smith
HB 401, introduced by Arntzen
HB 402, introduced by Rosendale
HB 409, introduced by Beck
HB 414, introduced by Harris
HB 492, introduced by Howard

MOTIONS

Senator Shockley moved **SB 328** be moved from the State Administration committee to the Finance and Claims committee. Without objection, so ordered.

FIRST READING AND COMMITMENT OF BILLS

The following Senate bill was introduced, read first time, and referred to committee:

SB 388, introduced by Walker, referred to Education and Cultural Resources.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Essmann moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Jent in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 272 - Senator Murphy moved **SB 272** do pass. Motion carried as follows:
Yeas: Augare, Balyeat, Barrett, Branae, Brown, Buttrey, Erickson, Essmann, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Kaufmann, Keane, Lake, Moore, Moss, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Stewart-Peregoy, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Windy Boy, Wittich, Zinke, Mr. President.
Total 36

Nays: Arthun, Brenden, Caferro, Facey, Gallus, Jones, Larsen, Lewis, Mowbray, Steinbeisser, Tropila, Tutvedt, Williams.
Total 13

Absent or not voting: None.
Total 0

Excused: Blewett.
Total 1

SB 113 - Senator C. Williams moved consideration of **SB 113** be passed for the day. Without objection, so ordered.

SB 183 - Senator Brown moved **SB 183** do pass. Motion carried as follows:
Yeas: Arthun, Barrett, Brenden, Brown, Buttrey, Essmann, Gallus, Hamlett, Hinkle, Hutton, Jackson, Jones, Keane, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Mr. President.
Total 28

Nays: Augare, Balyeat, Branae, Caferro, Erickson, Facey, Gillan, Hawks, Jent, Kaufmann, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Wittich, Zinke.
Total 21

Absent or not voting: None.
Total 0

Excused: Blewett.
Total 1

SB 191 - Senator Erickson moved **SB 191** do pass. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Branae, Brown, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jent, Jones, Kaufmann, Keane, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Shockley, Sonju, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 39

Nays: Brenden, Buttrey, Jackson, Lake, Priest, Ripley, Steinbeisser, Tutvedt, Vincent, Walker.
Total 10

Absent or not voting: None.
Total 0

Excused: Blewett.
Total 1

SB 206 - Senator Jones moved **SB 206** do pass. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 48

Nays: Stewart-Peregoy.
Total 1

Absent or not voting: None.
Total 0

Excused: Blewett.
Total 1

SB 228 - Senator Priest moved **SB 228** do pass. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Nays: Augare, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 21

Absent or not voting: None.
Total 0

Excused: Blewett.
Total 1

SB 234 - Senator Sonju moved **SB 234** do pass. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Branae, Brenden, Brown, Buttrey, Caferro, Essmann, Facey, Gallus, Gillan, Hamlett, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Larsen, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 44

Nays: Erickson, Hawks, Kaufmann, Moss, Van Dyk.
Total 5

Absent or not voting: None.
Total 0

Excused: Blewett.
Total 1

SB 236 - Senator Buttrey moved **SB 236** do pass. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gillan, Hamlett, Hinkle, Hutton, Jent, Jones, Keane, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Wanzenried, Windy Boy, Wittich, Zinke, Mr. President.
Total 39

Nays: Branae, Gallus, Hawks, Jackson, Kaufmann, Larsen, Moss, Stewart-Peregoy, Van Dyk, Williams.
Total 10

Absent or not voting: None.
Total 0

Excused: Blewett.
Total 1

SB 270 - Senator Wittich moved **SB 270** do pass. Motion **failed** as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Vincent, Walker, Wittich.
Total 24

Nays: Augare, Branae, Brown, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 25

Absent or not voting: None.
Total 0

Excused: Blewett.
Total 1

SB 270 - Senator C. Williams moved **SB 270** be **indefinitely postponed**. Motion carried as follows:
Yeas: Augare, Branae, Brown, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Ripley, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Mr. President.

Total 25

Nays: Arthun, Balyeat, Barrett, Brenden, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Shockley, Sonju, Steinbeisser, Vincent, Walker, Wittich, Zinke.
Total 24

Absent or not voting: None.
Total 0

Excused: Blewett.
Total 1

SB 279 - Senator Jackson moved **SB 279** do pass. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hamlett, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 29

Nays: Augare, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 20

Absent or not voting: None.
Total 0

Excused: Blewett.
Total 1

SB 299 - Senator Hamlett moved **SB 299** do pass. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Wittich, Zinke, Mr. President.
Total 45

Nays: Augare, Larsen, Stewart-Peregoy, Windy Boy.
Total 4

Absent or not voting: None.
Total 0

Excused: Blewett.
Total 1

SB 311 - Senator Gallus moved **SB 311** do pass. Motion carried as follows:
Yeas: Arthun, Augare, Barrett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Steinbeisser, Stewart-Peregoy, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Mr. President.
Total 43

Nays: Balyeat, Hinkle, Sonju, Tropila, Wittich, Zinke.
Total 6

Absent or not voting: None.
Total 0

Excused: Blewett.
Total 1

SB 335 - Senator Shockley moved **SB 335** do pass. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 48

Nays: Lewis.
Total 1

Absent or not voting: None.
Total 0

Excused: Blewett.
Total 1

SJR 4 - Senator Wittich moved **SJR 4** do pass. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Nays: Augare, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried,

Williams, Windy Boy.
Total 21

Absent or not voting: None.
Total 0

Excused: Blewett.
Total 1

Senator Essmann moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Peterson in the chair. Chairman Jent moved the Committee of the Whole report be adopted. Report adopted as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Brenden, Brown, Buttrey, Caferro, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Larsen, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wittich, Zinke, Mr. President.
Total 42

Nays: Branae, Erickson, Kaufmann, Moss, Wanzenried, Williams, Windy Boy.
Total 7

Absent or not voting: None.
Total 0

Excused: Blewett.
Total 1

MOTIONS

Senator Essmann moved **SB 299** be moved from the Committee of the Whole committee to the Finance and Claims committee. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Branae, Brenden, Brown, Buttrey, Erickson, Essmann, Facey, Gallus, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Walker, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 45

Nays: Caferro, Gillan, Vuckovich, Wanzenried.
Total 4

Absent or not voting: None.
Total 0

Excused: Blewett.
Total 1

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 111 passed as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 26

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Jent, Kaufmann, Keane, Larsen, Moss, Shockley, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 24

Paired: Brown, Aye; Blewett, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 114 passed as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Paired: Brown, Aye; Blewett, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 198 passed as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Paired: Brown, Aye; Blewett, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 225 passed as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Essmann, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tropila, Tutvedt, Vincent, Walker, Wanzenried, Wittich, Zinke, Mr. President.
Total 39

Nays: Caferro, Erickson, Facey, Kaufmann, Larsen, Moss, Stewart-Peregoy, Van Dyk, Vuckovich, Williams, Windy Boy.
Total 11

Paired: Blewett, Aye; Williams, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 227 passed as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Paired: Brown, Aye; Blewett, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 258 passed as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Blewett.
Total 1

SB 269 passed as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Facey, Gallus, Hamlett, Hawks, Hinkle, Hutton, Jent, Jones, Kaufmann, Keane, Larsen, Moore, Moss, Olson, Priest, Ripley, Shockley, Stewart-Peregoy, Tropila, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 39

Nays: Essmann, Gillan, Jackson, Lake, Lewis, Mowbray, Murphy, Sonju, Steinbeisser, Tutvedt, Walker.
Total 11

Paired: Blewett, Aye; Essmann, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 271 passed as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Blewett.
Total 1

SB 275 passed as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Mr. President.
Total 48

Nays: Zinke.
Total 1

Absent or not voting: None.
Total 0

Excused: Blewett.
Total 1

SB 285 passed as follows:
Yeas: Arthun, Augare, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jent, Jones, Kaufmann, Keane, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 41

Nays: Balyeat, Barrett, Hinkle, Jackson, Lake, Shockley, Sonju, Vincent, Walker.
Total 9

Paired: Blewett, Aye; Hinkle, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 307 passed as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hamlett, Hinkle, Hutton, Jackson, Jones, Lake, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Vuckovich, Walker, Zinke, Mr. President.
Total 28

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hawks, Jent, Kaufmann, Keane, Larsen, Lewis, Moss, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried, Williams, Windy Boy, Wittich.
Total 22

Paired: Brown, Aye; Blewett, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJR 10 passed as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hamlett, Hinkle, Hutton, Jackson, Jones, Keane, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 30

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hawks, Jent, Kaufmann, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 20

Paired: Brown, Aye; Blewett, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

REPORTS OF STANDING COMMITTEES

PUBLIC HEALTH, WELFARE AND SAFETY (Priest, Chairman): 2/18/2011
HJR 5, be concurred in. Report adopted.

STATE ADMINISTRATION (Shockley, Chairman): 2/18/2011
SB 354, do pass. Report adopted.

SPECIAL ORDERS OF THE DAY

Senator Brown thanked the pages for their work during the week of February 14-19, 2011.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Essmann moved that the Senate adjourn until 1:00 p.m., Monday, February 21, 2011. Motion carried.

Senate adjourned at 12:09 a.m.

MARILYN MILLER
Secretary of the Senate

JIM PETERSON
President of the Senate

SENATE JOURNAL
62ND LEGISLATURE
FORTY-SECOND LEGISLATIVE DAY

Helena, Montana — Senate Chambers
February 21, 2011 — State Capitol

Senate convened at 1:00 p.m. President Peterson presiding. Invocation by Chaplain Keith Johnson. Pledge of Allegiance to the Flag. Roll Call. All members present. Quorum present.

SPECIAL ORDERS OF THE DAY

President Lincoln, also known as Harry Fritz of Missoula, addressed the Senate.

BILLS AND JOURNALS: 2/21/2011

Correctly printed: **SB 183**, **SB 191**, **SB 206**, **SB 228**, **SB 234**, **SB 236**, **SB 244**, **SB 272**, **SB 279**, **SB 298**, **SB 299**, **SB 311**, **SB 315**, **SB 335**, **SB 351**, **SB 354**, **SB 355**, **SB 357**, **SB 374**, **SJR 4**, **HB 204**, **HB 208**, **HJR 5**.
Correctly engrossed: **SB 340**, **SB 347**, **SB 352**, **SB 379**.

LEGISLATIVE ADMINISTRATION (Brown, Chairman): 2/21/2011
MR. PRESIDENT:
We, your committee on Legislative Administration recommend that employment of the following attaches of the Senate be terminated as of 12:00 p.m., Saturday, February 19, 2011:

TITLE	NAME
Pages:	John Miller, Judith Gap
	Morgan Simkins, Missoula
	Sean Van Horssen, Helena
	Megan Henke, Chester
	Brendan Hooks, Helena
	Shadya Jarecke, Joliet
	Katie Lesh, Miles City

and recommend that the following attaches of the Senate be employed as of 8:00 a.m., Monday, February 21, 2011:

TITLE	NAME
Pages:	Holly Capp, Great Falls
	Courtney Lotto, Missoula
	Holly Hollinger, Missoula
	Eleanor Krueger, Anaconda
	Joe Bullington, Helena
	Sydney Stivers, Lewistown
	Mercedes Running Crane, Browning

Report Adopted.

REPORTS OF STANDING COMMITTEES

AGRICULTURE, LIVESTOCK AND IRRIGATION (Steinbeisser, Chairman): 2/21/2011
SB 343, introduced bill, be amended as follows:

1. Page 2, line 17.
Following: "~~parks,~~"
Insert: ", upon the mutual agreement of the directors of the departments of agriculture and fish, wildlife, and parks,"
Strike: "plant or animal"

2. Page 2, line 17 through line 18.
Strike: "threatens" on line 17 through "waters or" on line 18

3. Page 2, line 25.
Strike: "has" through "61-1-101"
Insert: "includes motorboats and personal watercraft, as each is defined in 23-2-502, and nonmotorized boats"

4. Page 2, line 28.
Strike: ", maintain, and distribute"

5. Page 2, line 29.
Strike: "and" through "species"

6. Page 3, lines 21 through 22.
Strike: ":" on line 21 through "(a)" on line 22

7. Page 3, lines 23 through 26.
Strike: "; and" on line 23 through "announcements" on line 26

8. Page 4, lines 18 through 19.
Strike: "are" on line 18 through "suspected to" on line 19

9. Page 5, line 13.
Strike: "Signs" through "area."

And, as amended, do pass. Report adopted.

SB 384, introduced bill, be amended as follows:

1. Title, page 1, line 6 through line 7.
Strike: "ELIMINATING" on line 6 through "AGRICULTURE;" on line 7

2. Title, page 1, line 10 through line 12.
Strike: "80-2-201," on line 10 through "80-2-244," on line 12

3. Title, page 1, line 15.
Strike: "2-15-3003,"

4. Page 1, line 20 through page 9, line 8.
Strike: section 1 through section 15 in their entirety
Renumber: subsequent sections

5. Page 19.
Strike: line 30

And, as amended, do pass. Report adopted.

FISH AND GAME (Brenden, Chairman): 2/21/2011
SB 83, introduced bill, be amended as follows:

1. Page 3, line 21.
Following: line 20
Insert: "NEW SECTION. **Section 3. Contingent voidness.** (1) If the department of fish, wildlife, and parks receives a written determination from the United States fish and wildlife service that the provisions of [this act] constitute a diversion of license fees, [this act] is void.

(2) The department of fish, wildlife, and parks shall notify the code commissioner of the receipt of the written documentation made pursuant to subsection (1)."
Renumber: subsequent section

And, as amended, do pass. Report adopted.

SB 174, do pass. Report adopted.

HIGHWAYS AND TRANSPORTATION (Jones, Chairman): 2/17/2011
SB 359, do pass. Report adopted.

JUDICIARY (Murphy, Chairman): 2/21/2011
SB 304, do pass. Report adopted.
SB 336, do pass. Report adopted.

TAXATION (Tutvedt, Chairman): 2/21/2011
SB 383, introduced bill, be amended as follows:

1. Page 1, line 29.
Strike: "(a)"

2. Page 2, line 3.
Strike: "(i)"
Insert: "(a)"
Renumber: subsequent subsections

3. Page 2, line 8 through line 10.
Strike: subsection (b) in its entirety

And, as amended, do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 2/19/2011

HB 230, introduced by Gibson
HB 337, introduced by Menahan
HB 352, introduced by Osmundson
HB 359, introduced by Vance
HB 410, introduced by Beck
HB 412, introduced by Harris
HB 419, introduced by Beck

MOTIONS

Senator Williams moved the Democrats recess for caucus. Senator Essmann moved the Republicans recess for caucus. Motion carried.

Senate in recess.

Senate reconvened at 1:36 p.m.

Senator Jent moved to refer **SB 336** to the Judiciary committee. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 48

Nays: Brenden, Hinkle.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Van Dyk moved that **SB 332** be taken from the Energy and Telecommunications committee and brought before the Committee of the Whole committee. Motion **failed** as follows:

Yeas: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Nays: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Gillan moved that **SB 141** be taken from Education and Cultural Resources and brought before the Committee of the Whole. Motion **failed** as follows:

Yeas: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Steinbeisser, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Mr. President.
Total 24

Nays: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Tutvedt, Vincent, Walker, Wittich, Zinke.
Total 26

Absent or not voting: None.
Total 0

Excused: None.
Total 0

FIRST READING AND COMMITMENT OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 70, introduced by Menahan (by request of the Public Employees' Retirement Board), referred to State Administration.
HB 79, introduced by Evans (by request of the Department of Natural Resources and Conservation), referred to Finance and Claims.
HB 81, introduced by Roberts (by request of the State Auditor), referred to Finance and Claims.
HB 86, introduced by Wilmer (by request of the Teachers' Retirement Board), referred to State Administration.
HB 100, introduced by Vance, Priest, referred to Business, Labor, and Economic Affairs.
HB 133, introduced by Salomon (by request of the Department of Agriculture), referred to Agriculture, Livestock and Irrigation.
HB 134, introduced by Squires (by request of the Public Employees' Retirement Board), referred to State Administration.
HB 203, introduced by Menahan, referred to Judiciary.
HB 206, introduced by MacLaren, Arntzen, Berry, Connell, Flynn, Greef, Howard, McGillvray, Read, Reichner, C. Smith, Warburton, Welborn, Balyeat, Essmann, Olson, Sonju, referred to Public Health, Welfare and Safety.
HB 218, introduced by Miller, Hendrick, referred to Highways and Transportation.
HB 237, introduced by Menahan, Welborn, Ankney, Belcourt, referred to Energy and Telecommunications.
HB 252, introduced by Hoven, referred to Finance and Claims.
HB 263, introduced by Vance, referred to Local Government.
HB 265, introduced by Vance, Sonju, referred to Business, Labor, and Economic Affairs.
HB 293, introduced by Connell, referred to Taxation.
HB 306, introduced by Berry, Warburton, referred to State Administration.
HB 310, introduced by Blyton, Howard, Hendrick, Ingraham, Wagner, Loney, More, K. Peterson, Knudsen, O'Hara, Regier, Small, Clark, Warburton, Kary, MacLaren, Skees, Blasdel, Taylor, Flynn, C. Smith, Kennedy, Price, Skattum, Yates, McNutt, Jones, Hansen, Burnett, B. Bennett, Connell, Hands, Osmundson, Rosendale, referred to State Administration.
HB 312, introduced by C. Smith, Blasdel, Wagner, Balyeat, Howard, Taylor, Miller, Hale, Regier, Rosendale, O'Hara, Salomon, Edmunds, MacLaren, Beck, O'Neil, More, McGillvray, Skees, Kary, Vance, Yates, Connell, Burnett, K. Peterson, Kerns, Randall, Kennedy, Read, Knox, referred to Public Health, Welfare and Safety.
HB 318, introduced by Warburton, Stahl, G. Bennett, Brown, Ingraham, Ehli, Blyton, Miller, Salomon, Kary, McNiven, referred to Agriculture, Livestock and Irrigation.
HB 330, introduced by B. Bennett, Wilmer, Malek, Small, Reinhart, Squires, Furey, Swanson, McClafferty, Hill, Greef, Skees, Price, Brodehl, Pease-Lopez, Ingraham, Edmunds, Blyton, G. Bennett, Hands, Knox, referred to State Administration.
HB 336, introduced by Menahan, referred to Fish and Game.
HB 339, introduced by Bangerter, Shockley, Price, Flynn, Stahl, Welborn, Wilmer, referred to Fish and Game.
HB 361, introduced by Washburn, referred to Fish and Game.

HB 379, introduced by Menahan, referred to Judiciary.
HB 401, introduced by Arntzen, referred to Highways and Transportation.
HB 402, introduced by Rosendale, Cuffe, O'Hara, Ankney, Olson, Brenden, McChesney, Tutvedt, Knox, referred to Natural Resources.
HB 409, introduced by Beck, Sonju, Blasdel, Caferro, referred to Public Health, Welfare and Safety.
HB 422, introduced by Hale, Vincent, G. Bennett, Olson, Murphy, McClafferty, Vuckovich, Yates, Noonan, Keane, referred to Natural Resources.
HB 492, introduced by Howard, referred to Judiciary.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Essmann moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Brown in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 113 - Senator Jent moved **SB 113** do pass. Motion carried as follows:
Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Larsen, Lewis, Moore, Moss, Olson, Priest, Ripley, Shockley, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 41

Nays: Balyeat, Brenden, Hinkle, Lake, Mowbray, Murphy, Sonju, Steinbeisser, Walker.
Total 9

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 205 - Senator Olson moved **SB 205** do pass.

SB 205 - Senator Olson moved **SB 205**, second reading copy, be amended as follows:

1. Page 1, line 11.
Following: "territory."
Insert: "An electricity supplier may provide electricity supply service in the service territory of a public utility as provided in 69-8-411."

2. Page 1.
Following: line 29
Insert: "(8) "Electricity supplier" means any person, corporation, or governmental entity that:
(a) sells electricity to customers at retail rates in the state; and
(b) is not a public utility or a cooperative."
Renumber: subsequent subsections

Amendment adopted as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 205 - Senator Olson moved **SB 205**, as amended, do pass. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 208 - Senator Erickson moved **SB 208** do pass. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Murphy, Olson, Ripley, Shockley, Steinbeisser, Stewart-Peregoy,

Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 42

Nays: Buttrey, Hinkle, Jackson, Mowbray, Priest, Sonju, Vincent, Walker.
Total 8

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 212 - Senator Ripley moved **SB 212** do pass.

SB 212 - Senator Ripley moved **SB 212**, second reading copy, be amended as follows:

1. Page 3, line 9.
Following: "BISON ONTO PRIVATE"
Insert: "or public"

Amendment adopted as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 212 - Senator Ripley moved **SB 212**, as amended, do pass. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Facey, Hamlett, Hinkle, Hutton, Jackson, Jones, Keane, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Vuckovich, Walker, Wanzenried, Wittich, Zinke, Mr. President.
Total 33

Nays: Augare, Blewett, Branae, Caferro, Erickson, Gallus, Gillan, Hawks, Jent, Kaufmann, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Williams, Windy Boy.
Total 17

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 226 - Senator Priest moved **SB 226** do pass. Motion **failed** as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Mr. President.
Total 25

Nays: Augare, Blewett, Branae, Buttrey, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Mowbray, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke.
Total 25

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 226 - Senator Williams moved **SB 226** be **indefinitely postponed**. Motion **failed** as follows:
Yeas: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Jones, Kaufmann, Keane, Larsen, Moss, Mowbray, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke.
Total 25

Nays: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Lake, Lewis, Moore, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Mr. President.
Total 25

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 254 - Senator Hutton moved **SB 254** do pass. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Mr. President.
Total 27

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke.
Total 23

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 289 - Senator Zinke moved **SB 289** do pass. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Wittich, Zinke, Mr. President.
Total 48

Nays: Hinkle, Windy Boy.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Essmann moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Peterson in the chair. Chairman Brown moved the Committee of the Whole report be adopted. Report adopted as follows:
Yeas: Arthun, Balyeat, Barrett, Branae, Brenden, Brown, Buttrey, Essmann, Facey, Gallus, Gillan, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Vuckovich, Walker, Wittich, Zinke, Mr. President.
Total 35

Nays: Augare, Blewett, Caferro, Erickson, Hamlett, Hawks, Kaufmann, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried, Williams, Windy Boy.

Total 15

Absent or not voting: None.
Total 0

Excused: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 183 passed as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Gallus, Hinkle, Hutton, Jackson, Jones, Keane, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Mr. President.
Total 28

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gillan, Hamlett, Hawks, Jent, Kaufmann, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Wittich, Zinke.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 191 passed as follows:
Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brown, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jent, Jones, Kaufmann, Keane, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 39

Nays: Balyeat, Brenden, Buttrey, Hinkle, Jackson, Lake, Priest, Ripley, Tutvedt, Vincent, Walker.
Total 11

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 206 passed as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 228 passed as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 234 passed as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Caferro, Essmann, Gallus, Gillan, Hamlett, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Larsen, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Wanzenried, Windy Boy, Wittich, Zinke, Mr. President.
Total 39

Nays: Augare, Blewett, Branae, Erickson, Facey, Hawks, Kaufmann, Moss, Stewart-Peregoy, Van Dyk, Williams.
Total 11

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 236 passed as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Gillan, Hamlett, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Windy Boy, Wittich, Zinke, Mr. President.
Total 37

Nays: Augare, Blewett, Branae, Facey, Gallus, Hawks, Kaufmann, Larsen, Moss, Stewart-Peregoy, Van Dyk, Wanzenried, Williams.
Total 13

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 272 passed as follows:
Yeas: Augare, Balyeat, Barrett, Blewett, Branae, Brown, Buttrey, Erickson, Essmann, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Moore, Moss, Murphy, Ripley, Shockley, Sonju, Stewart-Peregoy, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Windy Boy, Wittich, Zinke.
Total 35

Nays: Arthun, Brenden, Caferro, Facey, Gallus, Larsen, Lewis, Mowbray, Olson, Priest, Steinbeisser, Tropila, Tutvedt, Williams, Mr. President.
Total 15

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 279 passed as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hamlett, Hinkle, Hutton, Jackson, Jent, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 30

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hawks, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 311 passed as follows:
Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Steinbeisser, Stewart-Peregoy, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Mr. President.
Total 44

Nays: Balyeat, Hinkle, Sonju, Tropila, Wittich, Zinke.
Total 6

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 335 passed as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJR 4 passed as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SPECIAL ORDERS OF THE DAY

Senator Brown introduced the pages for the week of February 21-24, 2011.

MOTIONS

Senator Brenden moved to change his vote on **SB 236** from No to Yes. Without objection, so ordered.

Senator Gallus moved **SB 226** be moved from the Committee of the Whole committee to the Energy and Telecommunications committee. Motion **failed** as follows:

Yeas: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Mowbray, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke.
Total 24

Nays: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Mr. President.
Total 26

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Gallus moved to postpone action on **SB 226** until the 46th Legislative day. Motion **failed** as follows:

Yeas: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Mowbray, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke.
Total 24

Nays: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Mr. President.
Total 26

Absent or not voting: None.
Total 0

Excused: None.
Total 0

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Balyeat, Chairman): 2/21/2011
SB 387, introduced bill, be amended as follows:

1. Title, page 1, line 5.
Following: "BENEFITS;"
Insert: "AND"

2. Title, page 1, line 6.
Following: "MCA"
Strike: "; AND" through "DATE"

3. Page 1, line 18.
Strike: section 2 in its entirety

And, as amended, do pass. Report adopted.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Essmann moved that the Senate adjourn until 8:00 a.m., Tuesday, February 22, 2011. Motion carried.

Senate adjourned at 3:14 p.m.

MARILYN MILLER
Secretary of the Senate

JIM PETERSON
President of the Senate

SENATE JOURNAL
62ND LEGISLATURE
FORTY-THIRD LEGISLATIVE DAY

Helena, Montana — Senate Chambers
February 22, 2011 — State Capitol

Senate convened at 8:00 a.m. President Peterson presiding. Invocation by Chaplain Keith Johnson. Pledge of Allegiance to the Flag. Roll Call. All members present. Quorum present.

BILLS AND JOURNALS: 2/22/2011

Correctly printed: **SB 113**, **SB 174**, **SB 208**, **SB 254**, **SB 289**, **SB 304**, **SB 336**, **SB 359**.
Correctly engrossed: **SB 83**, **SB 205**, **SB 212**, **SB 343**, **SB 367, SB 383**, **SB 384**, **SB 387**.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 113 passed as follows:
Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Larsen, Lewis, Moore, Moss, Mowbray, Olson, Priest, Ripley, Shockley, Sonju, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 44

Nays: Balyeat, Brenden, Hinkle, Lake, Murphy, Steinbeisser.
Total 6

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 208 passed as follows:
Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Ripley, Shockley, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 41

Nays: Balyeat, Hinkle, Jackson, Priest, Sonju, Steinbeisser, Tutvedt, Vincent, Walker.
Total 9

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 254 passed as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Mr. President.
Total 27

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke.
Total 23

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 289 passed as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Jackson, Jent, Jones, Kaufmann, Keane, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Wittich, Zinke, Mr. President.
Total 45

Nays: Hinkle, Hutton, Lake, Stewart-Peregoy, Windy Boy.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

REPORTS OF STANDING COMMITTEES

EDUCATION AND CULTURAL RESOURCES (Zinke, Chairman): 2/21/2011
SB 329, introduced bill, be amended as follows:

1. Title, line 10.
Following: "EXCEED"
Insert: "REVENUE"
Strike: "ANY PRIOR YEAR"
Insert: "THE PREVIOUS 5 YEARS"

2. Title, line 11 through line 16.
Strike: "REQUIRING" on line 11 through "GRANTS;" on line 16

3. Title, line 18 through line 19.
Strike: "ELIMINATING" on line 18 through "ACT;" on line 19

4. Title, line 19.
Strike: "20-9-342,"

5. Title, line 20 through line 21.
Strike: "20-9-516, 20-9-630," on line 20
Strike: "REPEALING" on line 20 through "MCA;" on line 21

6. Title, line 22.
Strike: "IMMEDIATE"

7. Page 2, line 16.
Insert: "(4) The intent of this section is to increase the flexibility and efficiency of school districts without an increase in local taxes. In furtherance of this intent, if transfers of funds are made from any school district fund supported by a nonvoted levy, the district may not increase its nonvoted levy for the purpose of restoring the amount of funds transferred."

8. Page 3, line 7.
Strike: "Whenever"
Insert: "Except as otherwise provided by law, whenever"

9. Page 5, line 1.
Strike: "Montana"
Following: "vendor"
Insert: ", including a Montana vendor,"

10. Page 5, line 2.
Strike: "their"
Insert: "the vendor's"

11. Page 6, line 1.
Following: "transfer"
Insert: ", in which case the funds may be spent for the purpose approved on the ballot"

12. Page 6, line 10.
Insert: "(4) The intent of this section is to increase the flexibility and efficiency of school districts without an increase in local taxes. In furtherance of this intent, if transfers of funds are made from any school district fund supported by a nonvoted levy, the district may not increase its nonvoted levy for the purpose of restoring the amount of funds transferred."

13. Page 6, line 20.
Following: "over"
Strike: "tax levels"
Insert: "revenue"

14. Page 6, line 21.
Following: "in"
Strike: "a prior year"
Insert: "any of the previous 5 years"

15. Page 7, line 5 through line 19.
Strike: section 6 in its entirety
Renumber: subsequent sections

16. Page 7, line 26.
Following: "over"
Strike: "tax levels"
Insert: "revenue"

17. Page 7, line 27.
Following: "in"
Strike: "a prior year"
Insert: "any of the previous 5 years"

18. Page 8, line 25.
Following: "reimbursement"
Strike: ", the transfer of a tuition fund balance,"

19. Page 8, line 29.
Following: "project"
Strike: ", funds transferred from a closed tuition fund,"

20. Page 9, line 4 through page 11, line 4.
Strike: sections 9 and 10 in their entirety
Renumber: subsequent sections

21. Page 12, line 3 through line 15.
Strike: section 12 in its entirety
Renumber: subsequent section

22. Page 12, line 17.
Strike: "on passage and approval"
Insert: "July 1, 2011"

And, as amended, do pass. Report adopted.

SB 388, introduced bill, be amended as follows:

1. Page 1, line 20 through line 22.
Strike: "The salary" on line 20 through "." on line 22
Insert: "The salary for the new teaching or administrative position described in subsection (1) may not be altered if the transfer occurs after a school fiscal year has begun. If the transfer occurs at the beginning of a school fiscal year, the teacher's salary must be the same as the salary that the teacher would have received if the teacher had been continuously employed in the new position."

And, as amended, do pass. Report adopted.

NATURAL RESOURCES (Barrett, Chairman): 2/21/2011
SB 306, introduced bill, be amended as follows:

1. Page 1, line 12.
Strike: "subsection"
Insert: "subsections"
Following: "(2)"
Insert: "and (3)"

2. Page 1, line 15 through line 18.
Strike: subsection (3) in its entirety
Insert: "(3)(a) Except as provided in subsection (3)(b), a person who holds an operating permit for an open-pit mine may have ore from that mine or other metalliferous product derived from that ore processed with cyanide ore-processing reagent in a facility at a mine that on November 3, 1998, was using cyanide ore-processing reagent pursuant to an operating permit that included both the facility and the associated mine.

(b) If the mine referred to in subsection (3)(a) was using cyanide ore-processing reagent at a heap leaching facility, the mine may process ore or metalliferous product from another open-pit mine using cyanide ore-processing reagent only if the permit has not been and is not amended to expand the boundaries of the permitted area beyond the permitted area as it existed on November 3, 1998."

And, as amended, do pass. Report adopted.

SB 312, introduced bill, be amended as follows:

1. Page 15, line 16 through line 18.

Strike: "The" on line 16 through "applicant." on line 18
Insert: "If the proposed modifications substantially change the proposed plan of operation or reclamation, the department may terminate the draft permit and review the application as modified pursuant to subsection (1) for completeness and compliance and issuance of a new draft permit.

(b) The department shall consult with the applicant before placing stipulations in a draft or final permit."

2. Page 15, line 18.
Following: "may"
Insert: ", unless the applicant consents,"

3. Page 15, line 19.
Following: "part"
Insert: "and rules adopted pursuant to this part"

4. Page 15, line 20.
Strike: "(b)"
Insert: "(c)"

5. Page 15, line 22.
Strike: "(c)"
Insert: "(d)"

6. Page 15, line 25.
Strike: "(d)"
Insert: "(e)"
Following: "bond"
Insert: "and subject to subsection (1)(h)"

And, as amended, do pass. Report adopted.

SB 317, introduced bill, be amended as follows:

1. Page 2, line 18 through line 19.
Strike: "moral" on line 18 through "material" on line 19

2. Page 2, line 23.
Strike: "moral and material"

3. Page 3, line 7 through line 8.
Strike: "and" on line 7 through "facilitate" on line 8

4. Page 3, line 27.
Strike: "encouraging"

Insert: "allowing"

5. Page 3, line 29.
Strike: "moral and material"

6. Page 6, line 17.
Strike: "(3)(c)"
Insert: "(3)(d)"

7. Page 9, line 13.
Strike: "and"

8. Page 9, line 14.
Strike: "."
Insert: "; and
(vii) initiate and use ecological information in the planning and development of resource-oriented state-sponsored projects."

9. Page 9, line 16.
Strike: "(3)(h)"
Insert: "(3)(i)"
Strike: "required" through "a"
Insert: "authorized and within the scope of an agency's authority to consider alternatives under the substantive regulatory act under which it is regulating the"

10. Page 9, line 17.
Following: the second "action"
Insert: ", except as provided in this section"

11. Page 9, line 25.
Strike: "(3)(b)"
Insert: "(3)(c)"

12. Page 9, line 26.
Strike: "(3)(b)"
Insert: "(3)(c)"

13. Page 9, line 29.
Strike: "and economic"

14. Page 9, line 30.
Following: "Montana"
Strike: ";"
Insert: ". An agency may conduct original scientific studies only if:
(i) the subject of the study is directly relevant to the impacts of the project at issue and the

agency has the authority to regulate the applicant in regard to that subject under the substantive regulatory act under which the agency is proceeding; and

(ii) the agency director, not a designee, makes a finding that the conditions in subsection (3)(a)(i) are met and an analysis of the reasonably foreseeable environmental impacts determined based on existing, publicly available information cannot be adequately completed without the proposed original scientific study. If the agency director makes a finding under this subsection (3)(a)(ii) requiring the agency to undertake a study, this finding is immediately reviewable in district court.

(b) a statement of the reasonably foreseeable economic impacts of the proposed action in Montana, based on information in the record and other publicly available economic information that the agency, in its sole discretion, decides to gather and analyze;"

Renumber: subsequent subsections

15. Page 10, line 13.
Strike: "(3)(c)"
Insert: "(3)(d)"

16. Page 11, line 24.
Strike: ", including" through "comment,"

17. Page 18, line 26.
Strike: "50%"
Insert: "75%"

18. Page 18, line 27.
Strike: "50%"
Insert: "25%"

19. Page 20, line 29.
Strike: "parts 1 through 3"
Insert: "this part"

20. Page 20, line 30 through page 21, line 3.
Strike: "parts" on page 20, line 30 through "action" on page 21, line 3
Insert: "this part"

And, as amended, do pass. Report adopted.

SB 327, do pass. Report adopted.
SB 356, do pass. Report adopted.
SB 364, do pass. Report adopted.
SB 367, introduced bill, be amended as follows:

1. Page 13, line 21.
Strike: "A"

Insert: "The department shall approve the use of a"
Strike: "is available to"
Insert: "for"

And, as amended, do pass. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Priest, Chairman): 2/21/2011
SB 370, do pass. Report adopted.

STATE ADMINISTRATION (Shockley, Chairman): 2/21/2011
SB 291, introduced bill, be amended as follows:

1. Title, page 1, line 5.
Following: "AGENCY;"
Strike: "AND"
Following: "MCA"
Insert: "; AND PROVIDING AN EFFECTIVE AND AN APPLICABILITY DATE"

2. Page 1, line 17.
Strike: "labor,"

3. Page 1, line 18.
Following: "included"
Insert: "legibly"
Following: "broadcast or on the"
Strike: "front"
Insert: "exterior cover"

4. Page 1, line 20.
Following: "estimated"
Strike: "taxpayer"
Following: "$..."
Strike: "for advertising"

5. Page 1, line 27.
Following: line 26
Insert: "(4) For the purposes of this section, "advertising" means when an elected or appointed officer or agency director appears or speaks in broadcast media or the picture of the officer or director appears in printed material."

6. Page 2, line 4.
Following: line 3
Insert: "NEW SECTION. **Section 3. Effective date.** [This act] is effective July 1, 2011."
Insert: "NEW SECTION. **Section 4. Applicability.** [This act] applies to media purchased or produced on or after [the effective date of this act]."

And, as amended, do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 2/21/2011

HB 161, introduced by Milburn
HB 275, introduced by Reichner
HB 338, introduced by Esp
HB 341, introduced by C. Smith
HB 342, introduced by C. Smith
HB 346, introduced by Beck
HB 366, introduced by Rosendale
HB 399, introduced by Arntzen
HB 408, introduced by C. Smith
HB 416, introduced by Klock
HB 421, introduced by Malek
HB 426, introduced by MacLaren
HB 448, introduced by Kerns
HB 464, introduced by Blasdel
HB 471, introduced by Kennedy
HB 480, introduced by Menahan
HB 496, introduced by Menahan
HB 498, introduced by MacLaren
HB 523, introduced by Arntzen

MOTIONS

Senator Brenden moved that **SB 303** be taken from Local Government and brought before the Committee of the Whole. Motion carried as follows:
Yeas: Arthun, Barrett, Brenden, Brown, Buttrey, Essmann, Gallus, Hamlett, Hinkle, Hutton, Jackson, Jones, Keane, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Sonju, Steinbeisser, Tutvedt, Vincent, Vuckovich, Walker, Zinke, Mr. President.
Total 29

Nays: Augare, Balyeat, Blewett, Branae, Caferro, Erickson, Facey, Gillan, Hawks, Jent, Kaufmann, Larsen, Moss, Shockley, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried, Williams, Windy Boy, Wittich.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Hinkle moved that **SJR 2** be taken from Judiciary and brought before the Committee of the Whole. Motion **failed** as follows:
Yeas: Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Lewis, Murphy, Priest, Ripley, Shockley, Steinbeisser, Walker, Wittich.
Total 17

Nays: Arthun, Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Moore, Moss, Mowbray, Olson, Sonju, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 33

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Lewis moved **SB 282** be moved from the Taxation committee to the Finance and Claims committee. Motion carried as follows:
Yeas: Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 26

Nays: Arthun, Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Jones, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 24

Absent or not voting: None.
Total 0

Excused: None.
Total 0

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 389, introduced by Van Dyk, referred to Business, Labor, and Economic Affairs.
SB 390, introduced by Jones, referred to Fish and Game.

SB 391, introduced by Wittich, referred to Energy and Telecommunications.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Essmann moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Tropila in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 255 - Senator Brenden moved **SB 255** do pass. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Vuckovich, Walker, Wittich, Zinke, Mr. President.
Total 28

Nays: Augare, Blewett, Branae, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried, Williams, Windy Boy.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 280 - Senator Brown moved **SB 280** do pass. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: Lewis.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 287 - Senator Keane moved **SB 287** do pass. Motion carried as follows:
Yeas: Augare, Barrett, Blewett, Branae, Brenden, Brown, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Ripley, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Vuckovich, Wanzenried, Williams, Windy Boy, Mr. President.
Total 35

Nays: Arthun, Balyeat, Buttrey, Essmann, Hinkle, Hutton, Jackson, Priest, Shockley, Sonju, Van Dyk, Vincent, Walker, Wittich, Zinke.
Total 15

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 260 - Senator Windy Boy moved **SB 260** do pass. Motion carried as follows:
Yeas: Augare, Balyeat, Blewett, Branae, Brown, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Jent, Jones, Kaufmann, Keane, Larsen, Lewis, Moore, Moss, Mowbray, Shockley, Sonju, Stewart-Peregoy, Tropila, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 32

Nays: Arthun, Barrett, Brenden, Buttrey, Essmann, Hutton, Jackson, Lake, Murphy, Olson, Priest, Ripley, Steinbeisser, Tutvedt, Walker, Wittich, Zinke, Mr. President.
Total 18

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 290 - Senator Zinke moved **SB 290** do pass. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: Blewett.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 292 - Senator Olson moved **SB 292** do pass. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Gallus, Gillan, Hinkle, Hutton, Jackson, Jones, Keane, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Vuckovich, Walker, Wittich, Zinke, Mr. President.
Total 32

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Hamlett, Hawks, Jent, Kaufmann, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried, Williams, Windy Boy.
Total 18

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJR 11 - Senator J. Peterson moved **SJR 11** do pass. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 47

Nays: Erickson, Kaufmann, Larsen.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJR 14 - Senator Hawks moved **SJR 14** do pass. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent,

Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senate in recess.

Senate reconvened.

Senator Essmann moved the committee rise and report and beg leave to sit again. Motion carried. Committee arose.

Senate resumed. Chairman Essmann moved the Senate resolve itself into the Committee of the Whole. Motion carried. Senator Tropila in the Chair.

SB 91 - Senator Brown moved **SB 91** do pass. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 224 - Senator Priest moved consideration of **SB 224** be placed below **SB 297** on the second reading board. Without objection, so ordered.

SB 237 - Senator Arthun moved consideration of **SB 237** be placed at the bottom of the second reading board. Without objection, so ordered.

SB 276 - Senator Williams moved consideration of **SB 276** be placed at the bottom of the second reading board. Without objection, so ordered.

SB 294 - Senator Buttrey moved consideration of **SB 294** be placed at the bottom of the second reading board. Without objection, so ordered.

SB 297 - Senator Essmann moved **SB 297** do pass. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Essmann moved the committee rise, and beg leave to sit again. Motion carried. Committee arose.

Senate resumed. President Peterson in the chair. Chairman Tropila moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

REPORTS OF STANDING COMMITTEES

EDUCATION AND CULTURAL RESOURCES (Zinke, Chairman): 2/21/2011
SB 385, introduced bill, be amended as follows:

1. Page 2, line 20.
Strike: "50"
Insert: "25"

And, as amended, do pass. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Priest, Chairman): 2/21/2011
SB 366, introduced bill, be amended as follows:

1. Title, page 1, line 7.
Strike: "60-day"
Insert: "30-day"

2. Page 1, line 28.
Following: "job"
Insert: "without good cause"

3. Page 1, line 30.
Strike: "60"
Insert: "30"

4. Page 2, line 1.
Strike: "60"
Insert: "30"

5. Page 4, line 5.
Following: "job"
Insert: "without good cause"

6. Page 4, line 7.
Strike: "60"
Insert: "30"

7. Page 4, line 8.
Strike: "60"
Insert: "30"

And, as amended, do pass. Report adopted.

Senator Essmann moved the Senate recess until 12:00 noon. Motion carried.

Senate in recess.

Senate reconvened at 12:00.

Roll Call. All members present, except Senator Gallus, excused. Quorum present.

FIRST READING AND COMMITMENT OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 25, introduced by Roberts (by request of the Economic Affairs Interim Committee), referred to Public Health, Welfare and Safety.
HB 28, introduced by McNutt (by request of the Water Policy Committee), referred to Natural Resources.
HB 161, introduced by Milburn, referred to Judiciary.
HB 230, introduced by Gibson, Burnett, Hollandsworth, Hollenbaugh, Menahan, Hiner, Wilmer, Taylor, O'Hara, Roberts, McChesney, Lewis, Brodehl, Cook, Ripley, Zinke, Kerns, McGillvray, Regier, C. Smith, Warburton, MacLaren, Buttrey, G. Bennett, Walker, Milburn, Osmundson, referred to Judiciary.
HB 264, introduced by Vance, Sonju, referred to Business, Labor, and Economic Affairs.
HB 275, introduced by Reichner, Sonju, Wagner, Klock, Arntzen, Stahl, Blasdel, Ripley, Randall, Hutton, Lavin, Arthun, Knudsen, Greef, Vance, Tutvedt, Salomon, Rosendale, McNiven, Clark, Welborn, C. Smith, Essmann, referred to Business, Labor, and Economic Affairs.
HB 287, introduced by Clark, referred to Fish and Game.
HB 295, introduced by Cook, referred to Natural Resources.
HB 324, introduced by MacLaren, referred to Business, Labor, and Economic Affairs.
HB 337, introduced by Menahan, referred to Fish and Game.
HB 338, introduced by Esp, referred to Local Government.
HB 341, introduced by C. Smith, Taylor, referred to Judiciary.
HB 342, introduced by C. Smith, Taylor, referred to Judiciary.
HB 346, introduced by Beck, Ehli, referred to State Administration.
HB 348, introduced by Malek, referred to Taxation.
HB 352, introduced by Osmundson, J. Peterson, Edmunds, Kennedy, Vance, C. Smith, Rosendale, Connell, referred to Natural Resources.
HB 354, introduced by Stahl, referred to Business, Labor, and Economic Affairs.
HB 359, introduced by Vance, Read, referred to Business, Labor, and Economic Affairs.
HB 366, introduced by Rosendale, Loney, C. Smith, Jackson, O'Hara, Vance, Tutvedt, Sonju, Priest, referred to Local Government.
HB 399, introduced by Arntzen, referred to Business, Labor, and Economic Affairs.
HB 408, introduced by C. Smith, Taylor, McGillvray, Skees, Stahl, Blasdel, referred to Business, Labor, and Economic Affairs.
HB 410, introduced by Beck, Sonju, Blasdel, Caferro, referred to Public Health, Welfare and Safety.
HB 412, introduced by Harris, Hale, Beck, Hendrick, Edmunds, Hinkle, Vance, Loney,

Osmundson, Hollandsworth, C. Smith, Skees, Blyton, Wagner, Kary, Lavin, referred to Judiciary.
HB 414, introduced by Harris, Jackson, Hale, Beck, Olson, Balyeat, Edmunds, Hendrick, Osmundson, Hollandsworth, Hinkle, Blyton, C. Smith, Wagner, Sonju, Wittich, Loney, Knox, Skees, Kary, Blasdel, Lavin, Skattum, Kennedy, Arthun, Buttrey, Jones, referred to State Administration.
HB 416, introduced by Klock, referred to Business, Labor, and Economic Affairs.
HB 419, introduced by Beck, Arthun, referred to Business, Labor, and Economic Affairs.
HB 421, introduced by Malek, referred to Education and Cultural Resources.
HB 426, introduced by MacLaren, Sonju, Olson, C. Smith, McGillvray, Tutvedt, referred to Local Government.
HB 448, introduced by Kerns, referred to Judiciary.
HB 464, introduced by Blasdel, Milburn, referred to Judiciary.
HB 471, introduced by Kennedy, Skattum, G. Bennett, Read, Connell, Brodehl, O'Neil, Harris, Loney, K. Peterson, MacLaren, Yates, Ankney, referred to Fish and Game.
HB 480, introduced by Menahan, referred to Judiciary.
HB 496, introduced by Menahan, referred to Judiciary.
HB 498, introduced by MacLaren, Steinbeisser, Clark, McChesney, Stahl, Kerns, Lewis, Ankney, referred to Agriculture, Livestock and Irrigation.
HB 523, introduced by Arntzen, referred to Highways and Transportation.

MOTIONS

Senator Gallus present.

Senator Williams moved the Democrats recess for caucus. Without objection, so ordered.

Senator Essmann moved the Republicans recess for caucus. Without objection, so ordered.

Senate in recess.

Senate reconvened at 12:23 p.m.

Senator Priest moved that **SB 226** be placed on Second Reading on February 23, 2011.
Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Mr. President.
Total 27

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke.
Total 23

Absent or not voting: None.

Total 0

Excused: None.
Total 0

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Essmann moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Tutvedt in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 224 - Senator Priest moved **SB 224** do pass. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 298 - Senator Vincent moved **SB 298** do pass. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Essmann, Facey, Gallus, Gillan, Hamlett, Hinkle, Hutton, Jackson, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 47

Nays: Erickson, Hawks, Jent.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 302 - Senator Ripley moved **SB 302** do pass. Motion **failed** as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Buttrey, Gallus, Hamlett, Hinkle, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Olson, Priest, Ripley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 25

Nays: Augare, Blewett, Branae, Brown, Caferro, Erickson, Essmann, Facey, Gillan, Hawks, Hutton, Jent, Kaufmann, Keane, Larsen, Moss, Murphy, Shockley, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 25

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 302 - Senator C. Williams moved **SB 302** be **indefinitely postponed**. Motion **failed** as follows:
Yeas: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Murphy, Shockley, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 23

Nays: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Gallus, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Olson, Priest, Ripley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 27

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 304 - Senator Shockley moved **SB 304** do pass.

SB 304 - Senator Augare moved **SB 304**, second reading copy, be amended as follows:

1. Page 1, line 15.
Following: "(1)"
Strike: "In"

Insert: "Except as provided in the federal Indian Child Welfare Act, in"

2. Page 4, line 28.
Following: line 27
Insert: "(6) Except as provided in the federal Indian Child Welfare Act, if applicable, a show cause hearing must be held within 20 days of the filing of the petition unless otherwise stipulated by the parties pursuant to 41-3-434."
Renumber: subsequent subsections

3. Page 5, line 16.
Following: "probable cause"
Insert: "or, if the case is subject to the federal Indian Child Welfare Act, clear and convincing evidence"

4. Page 8, line 14.
Following: "(5)"
Strike: "The"
Insert: "Except as provided in the federal Indian Child Welfare Act, if applicable, the"

Amendment adopted as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 304 - Senator Shockley moved **SB 304**, as amended, do pass. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.

Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 305 - Senator Jackson moved **SB 305** do pass. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 315 - Senator Ripley moved **SB 315** do pass. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 320 - Senator Jones moved **SB 320** do pass. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent,

Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 330 - Senator Walker moved **SB 330** do pass. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Lake, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Mr. President.
Total 25

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Jones, Kaufmann, Keane, Larsen, Lewis, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke.
Total 25

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 330 - Senator C. Williams moved **SB 330** be **indefinitely postponed**. Motion **failed** as follows:
Yeas: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Nays: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Sonju assumed the chair.

SB 340 - Senator Vincent moved **SB 340** do pass. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 342 - Senator Buttrey moved **SB 342** do pass. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 47

Nays: Murphy, Vincent, Wittich.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 347 - Senator Lake moved **SB 347** do pass. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 352 - Senator Steinbeisser moved **SB 352** do pass. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Branae, Brenden, Brown, Buttrey, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 48

Nays: Blewett, Caferro.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 355 - Senator Hamlett moved **SB 355** do pass. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 357 - Senator Hamlett moved **SB 357** do pass.

SB 357 - Senator Hamlett moved **SB 357**, second reading copy, be amended as follows:

1. Title, line 6.
Strike: "AND"
Following: "MCA"
Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

2. Page 3.
Following: line 29
Insert: "NEW SECTION. **Section 3. Effective date.** [This act] is effective on passage and approval."

Amendment adopted as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 357 - Senator Hamlett moved **SB 357**, as amended, do pass. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 361 - Senator Ripley moved **SB 361** do pass.

SB 361 - Senator Ripley moved **SB 361**, second reading copy, be amended as follows:

1. Page 2, line 16.
Following: "approved"
Insert: "types of games, including"

2. Page 2, line 17.
Following: "games"
Insert: ","

3. Page 3, line 1.
Following: "cash."
Insert: "Video line games may be offered only in a multigame video gambling machine cabinet."

4. Page 3, lines 16 through 17.
Strike: "gambling operator" on line 16 through "manufacturer" on line 17
Insert: "machine owner"

5. Page 3, line 20.
Following: "distributor,"
Insert: "route operator,"

Amendment adopted as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 361 - Senator Ripley moved **SB 361**, as amended, do pass. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Jones, Keane, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Vincent, Vuckovich, Wanzenried, Williams, Windy Boy, Wittich, Mr. President.
Total 38

Nays: Caferro, Erickson, Essmann, Hinkle, Hutton, Jackson, Kaufmann, Larsen, Moss, Van Dyk, Walker, Zinke.
Total 12

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 237 - Senator Arthun moved **SB 237** do pass.

SB 237 - Senator Arthun moved **SB 237**, second reading copy, be amended as follows:

1. Page 2, line 17.
Strike: "using statistically sound data to evaluate the risk of brucellosis transmission to livestock"
Insert: "examination of brucellosis surveillance and prevalence reduction information acquired pursuant to subsection (2) (a) or (2)(b)"

Amendment adopted as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 237 - Senator Arthun moved **SB 237**, as amended, do pass. Motion carried as follows:
Yeas: Arthun, Barrett, Brenden, Brown, Buttrey, Essmann, Hamlett, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Vuckovich, Walker, Wittich, Zinke, Mr. President.
Total 28

Nays: Augare, Balyeat, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hawks, Hinkle, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried, Williams, Windy Boy.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 276 - Senator Facey moved consideration of **SB 276** be placed at the bottom of the second reading board for the purpose of amendment. Motion carried.

SB 294 - Senator Buttrey moved **SB 294** do pass. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Windy Boy, Wittich, Zinke, Mr. President.
Total 45

Nays: Augare, Gillan, Hinkle, Keane, Williams.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Essmann moved to reconsider action on **SB 330**. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried,

Williams, Windy Boy.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Essmann moved the committee rise and report. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Committee arose. Senate resumed. President Peterson in the chair. Chairman Sonju moved the Committee of the Whole report be adopted.

SB 224 - Senator Gillan made a **substitute motion** that **SB 224** be segregated from the Committee of the Whole report and the remainder of the report be adopted. Motion **failed** as follows:
Yeas: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 23

Nays: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 27

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 224 - Senator Gillan moved that **SB 224** be segregated from the Committee of the Whole report.
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Essmann moved the Committee of the Whole report be adopted. Report adopted as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: Erickson.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

REPORTS OF STANDING COMMITTEES

EDUCATION AND CULTURAL RESOURCES (Zinke, Chairman): 2/21/2011
SB 141, introduced bill, be amended as follows:

1. Title, line 8 through line 9.

Following: "POLICY;"
Strike: "AND REQUIRING THE OFFICE OF PUBLIC INSTRUCTION TO DEVELOP A MODEL POLICY"
Insert: "ESTABLISHING THE STANDARD OF CARE FOR LIABILITY OF SCHOOL DISTRICTS; AND PROVIDING PERSONAL IMMUNITY FROM SUIT FOR INDIVIDUALS"

2. Page 1, line 13.
Strike: "4"
Insert: "6"

3. Page 1, line 16.
Following: "any"
Insert: "persistent"

4. Page 1, line 17.
Following: "conduct"
Strike: "or"
Insert: ", including"

5. Page 1, line 18 through line 19.
Following: "that"
Strike: "a reasonable" on line 18 through "effect of" on line 19

6. Page 1, line 20.
Strike: "placing"
Insert: "causes a student physical harm, damages a student's property, or places"

7. Page 1, line 21.
Following: "substantially"
Strike: "interfering with a student's educational performance or opportunities"
Insert: "and materially interferes with a student's access to an educational opportunity or benefit"

8. Page 1, line 22.
Following: "substantially"
Strike: "disrupting"
Insert: "and materially disrupts"

9. Page 1, line 26.
Following: "prohibited."
Insert: "(1)"

10. Page 1, line 28.
Strike: "strictly"

Following: "prohibited"
Insert: ". This prohibition includes but is not limited to bullying, harassment, or intimidation"

11. Page 1, line 29.
Strike: "(1)"
Insert: "(a)"
Renumber: subsequent subsections

12. Page 2, line 1.
Following: "including"
Insert: "when the student is traveling to and from school or"

13. Page 2, line 2.
Following: "substantially"
Insert: "and materially"

14. Page 2, line 5.
Insert: "(2) A student who is determined by a school district to have engaged in bullying, harassment, or intimidation is subject to discipline in accordance with the provisions of 20-5-201 and 20-5-202, including suspension, expulsion, and any other sanction authorized by law."

15. Page 2, line 7.
Strike: "prohibiting"
Insert: "addressing"

16. Page 2, line 9 through line 11.
Strike: subsection (2) in its entirety
Renumber: subsequent subsections

17. Page 2, line 19.
Following: "investigation"
Insert: ", as defined in the district policy,"

18. Page 2, line 22.
Strike: "outside"
Insert: "subject to"
Following: "school"
Strike: "or"
Following: "district"
Insert: "or of another public agency, including law enforcement,"

19. Page 2, line 24.
Following: "notification"
Insert: ", as defined in the district policy,"

20. Page 2, line 26.
Strike: "including counseling"
Insert: "as defined in the district policy"

21. Page 2, line 27.
Strike: "including counseling"
Insert: "as defined in the district policy"

22. Page 2, line 29.
Strike: "prominent"

23. Page 3, line 1 through line 2.
Strike: subsection (4) in its entirety
Renumber: subsequent subsection

24. Page 3, line 3.
Following: "sections"
Strike: "1 through 4"
Insert: "2 through 6"

25. Page 3, line 5.
"NEW SECTION. **Section 5. Liability -- standard of care.** (1) [This act] may not be construed to create any new cause of action against or liability of a school district beyond causes of action and theories of liability that existed prior to [the effective date of this act].
(2) A school district may be held liable for bullying, harassment, or intimidation if it is shown by a preponderance of the evidence that the school district had actual knowledge of the bullying, harassment, or intimidation, that the bullying, harassment, or intimidation was so severe, pervasive, and objectively offensive that it effectively deprived a pupil of access to an educational opportunity or benefit, and that the school district was deliberately indifferent to the bullying, harassment, or intimidation."

26. Page 3, line 5.
Insert: "NEW SECTION. **Section 6. Personal immunity from suit.** An individual investigating or reporting an incident of bullying, harassment, or intimidation or participating in resulting administrative or judicial proceedings is personally immune from any suit, civil or criminal, that might otherwise arise and from any liability that might otherwise be imposed unless the individual was grossly negligent, acted in bad faith or with malicious purpose, or provided information knowing the information to be false."
Renumber: subsequent section

27. Page 3, line 6.
Strike: "4"
Insert: "6"

28. Page 3, line 7.
Strike: "4"
Insert: "6"

And, as amended, do pass. Report adopted.

MOTIONS

Senator Essmann moved the Senate reconsider its action on **SB 224** and **SB 224** be placed on second reading on Legislative day 44. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 48

Nays: Erickson, Vuckovich.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Essmann moved the Senate reconsider its action on **SB 330** and **SB 330** `be placed on the second reading board later today. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Essmann moved **SB 237** be referred to Finance and Claims. Without objection, so ordered.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Essmann moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Sonju in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 277 - Senator Moore moved **SB 277** do pass. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Wanzenried, Windy Boy, Wittich, Zinke, Mr. President.
Total 48

Nays: Van Dyk, Williams.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 278 - Senator Mowbray moved **SB 278** do pass. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 286 - Senator Olson moved **SB 286** do pass. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 337 - Senator Blewett moved **SB 337** do pass. Motion carried as follows:
Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 47

Nays: Balyeat, Hinkle, Steinbeisser.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 343 - Senator Jackson moved **SB 343** do pass. Motion carried as follows:
Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tropila, Tutvedt, Van Dyk, Vincent, Walker, Wanzenried, Williams, Zinke, Mr. President.
Total 44

Nays: Balyeat, Hinkle, Stewart-Peregoy, Vuckovich, Windy Boy, Wittich.
Total 6

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 354 - Senator Jent moved **SB 354** do pass. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 359 - Senator Caferro moved **SB 359** do pass. Motion carried as follows:
Yeas: Augare, Blewett, Branae, Brenden, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Jones, Kaufmann, Keane, Larsen, Moore, Moss, Ripley, Stewart-Peregoy, Tropila, Tutvedt, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 28

Nays: Arthun, Balyeat, Barrett, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Lake, Lewis, Mowbray, Murphy, Olson, Priest, Shockley, Sonju, Steinbeisser, Van Dyk, Vincent, Walker, Wittich.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 367 - Senator Vincent moved **SB 367** do pass. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent,

Vuckovich, Walker, Wanzenried, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: Williams.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Essmann moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Peterson in the chair. Chairman Sonju moved the Committee of the Whole report be adopted. Report adopted as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Windy Boy, Wittich, Zinke, Mr. President.
Total 48

Nays: Larsen, Williams.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

MOTIONS

Senator Essmann moved to refer **SB 343** and **SB 359** to Finance and Claims. Without objection, so ordered.

Senator Wanzenried moved to refer **SB 347** to Finance and Claims.
Yeas: Arthun, Augare, Balyeat, Blewett, Branae, Brown, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 42

Nays: Barrett, Brenden, Buttrey, Hinkle, Lake, Ripley, Walker, Wittich.

Total 8

Absent or not voting: None.
Total 0

Excused: None.
Total 0

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Essmann moved that the Senate adjourn until 8:00 a.m., Wednesday, February 23, 2011. Motion carried.

Senate adjourned at 5:38 p.m.

MARILYN MILLER
Secretary of the Senate

JIM PETERSON
President of the Senate

SENATE JOURNAL
62ND LEGISLATURE
FORTY-FOURTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
February 23, 2011 — State Capitol

Senate convened at 8:00 a.m. President Peterson presiding. Invocation by Chaplain Keith Johnson. Pledge of Allegiance to the Flag. Roll Call. All members present. Quorum present.

BILLS AND JOURNALS: 2/23/2011

Correctly printed: **SB 91**, **SB 255**, **SB 260**, **SB 277**, **SB 278**, **SB 280**, **SB 286**, **SB 287**, **SB 290**, **SB 292**, **SB 294**, **SB 297**, **SB 298**, **SB 303**, **SB 305**, **SB 315**, **SB 320**, **SB 327**, **SB 337**, **SB 340**, **SB 342**, **SB 347**, **SB 352**, **SB 354**, **SB 355**, **SB 356**, **SB 364**, **SB 367**, **SB 370**, **SB 389**, **SB 390**, **SB 391**, **SJR 11**, **SJR 14**.
Correctly engrossed: **SB 141**, **SB 237**, **SB 291**, **SB 304**, **SB 306**, **SB 312**, **SB 317**, **SB 329**, **SB 357**, **SB 361**, **SB 366**, **SB 367**, **SB 385**, **SB 388**, **HB 182**.

Mr. President: We, your committee on Bills and Journals, having examined the daily journals for the twenty-sixth, twenty-seventh, twenty-eighth, twenty-ninth, and thirtieth legislative days, find the same to be correct.

Senator Brown, Chair

MOTIONS

Senator Essmann announced the Republicans would recess for caucus. Senator Williams announced the Democrats would recess for caucus. Without objection, so ordered.

Senate in recess.

Senate reconvened at 8:32 a.m.

REPORTS OF STANDING COMMITTEES

EDUCATION AND CULTURAL RESOURCES (Zinke, Chairman): 2/21/2011
HB 182, be amended as follows:

1. Page 2, lines 20 and 21.
Following: "DISTRICT A" on line 20
Strike: "LEVY FOR THE PAYMENT OF"
Insert: "proposition to impose a levy to pay"

2. Page 2, line 21.
Following: "ON"
Strike: "THE"
Insert: "an"

Following: "OBLIGATION"
Insert: "that is payable from the conservation-related cost savings under energy performance contracts as defined in 90-4-1102"

3. Page 2, line 24.
Following: "FUNDS"
Strike: "PLEDGED TO THE REPAYMENT OF THE BOND OR NOTE"

And, as amended, be concurred in. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 2/22/2011

HB 166, introduced by Esp
HB 271, introduced by Kerns
HB 344, introduced by Gibson
HB 380, introduced by Blasdel
HB 430, introduced by Loney
HB 432, introduced by Berry
HB 456, introduced by C. Smith
HB 497, introduced by Clark
HB 508, introduced by McNally
HB 522, introduced by Kary
HB 531, introduced by Fitzpatrick
HB 535, introduced by Knudsen
HB 536, introduced by Flynn
HB 538, introduced by K. Peterson
HB 541, introduced by Welborn
HB 566, introduced by Yates
HB 575, introduced by Hansen

MOTIONS

Senator Essmann moved that **SB 356** be placed below **SB 330** and **SB 291** be moved to the bottom of the second reading board. Without objection so ordered.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 91 passed as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 205 passed as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: Hamlett.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 212 passed as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Gallus, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jones, Keane, Lake, Larsen, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 33

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gillan, Jent, Kaufmann, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 17

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 255 passed as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Vuckovich, Walker, Windy Boy, Wittich, Zinke, Mr. President.
Total 30

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried, Williams.
Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 260 passed as follows:
Yeas: Augare, Balyeat, Barrett, Blewett, Branae, Brown, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Jent, Jones, Kaufmann, Keane, Larsen, Lewis, Moore, Moss, Mowbray, Ripley, Shockley, Sonju, Stewart-Peregoy, Tropila, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Windy Boy, Mr. President.
Total 36

Nays: Arthun, Brenden, Buttrey, Hutton, Jackson, Lake, Murphy, Olson, Priest, Steinbeisser, Tutvedt, Walker, Wittich, Zinke.
Total 14

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 277 passed as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: Van Dyk.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 278 passed as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 280 passed as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 286 passed as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro,

Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Wittich, Zinke, Mr. President.
Total 48

Nays: Jackson, Windy Boy.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 287 passed as follows:
Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brenden, Brown, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jent, Jones, Kaufmann, Keane, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Ripley, Shockley, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Mr. President.
Total 39

Nays: Balyeat, Buttrey, Hinkle, Jackson, Lake, Priest, Sonju, Steinbeisser, Vincent, Wittich, Zinke.
Total 11

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 290 passed as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 47

Nays: Blewett, Kaufmann, Van Dyk.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 292 passed as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Gallus, Gillan, Hinkle, Hutton, Jackson, Jones, Keane, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Vuckovich, Walker, Wittich, Zinke, Mr. President.
Total 31

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Hamlett, Hawks, Jent, Kaufmann, Lake, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried, Williams, Windy Boy.
Total 19

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 294 passed as follows:
Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 48

Nays: Balyeat, Hinkle.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 297 passed as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Branae, Brenden, Brown, Buttrey, Essmann, Facey, Gallus, Gillan, Hamlett, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 44

Nays: Blewett, Caferro, Erickson, Hawks, Kaufmann, Van Dyk.
Total 6

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 298 passed as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: Hawks.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 305 passed as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 315 passed as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones,

Lake, Lewis, Moore, Mowbray, Murphy, Priest, Ripley, Shockley, Sonju, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 26

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Olson, Steinbeisser, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 24

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 320 passed as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 337 passed as follows:
Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 48

Nays: Balyeat, Hinkle.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 340 passed as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 342 passed as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Windy Boy, Wittich, Zinke, Mr. President.
Total 47

Nays: Blewett, Jent, Williams.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 352 passed as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Branae, Brenden, Brown, Buttrey, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 46

Nays: Blewett, Caferro, Erickson, Kaufmann.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 354 passed as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 355 passed as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 367 passed as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro,

Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJR 11 passed as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 48

Nays: Erickson, Kaufmann.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJR 14 passed as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

MOTIONS

Senator Hamlett moved to change his vote on **SB 205** from No to Yes. Without objection, so ordered.

Senator Hawks moved to change his vote on **SB 212** from Yes to No. Without objection, so ordered.

Senator Stewart-Peregoy moved to change his vote on **SB 255** from No to Yes. Without objection, so ordered.

Senator Larsen moved to change his vote on **SB 212** from Yes to No. Without objection, so ordered.

Senator Jackson moved to change his vote on **SB 286** from No to Yes. Without objection, so ordered.

Senator Windy Boy moved to change his vote on **SB 286** from No to Yes. Without objection, so ordered.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Essmann moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Zinke in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 374 - Senator Olson moved **SB 374** do pass. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: Tropila.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 384 - Senator Van Dyk moved **SB 384** do pass. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 276 - Senator Facey moved **SB 276** do pass.

SB 276 - Senator Facey moved **SB 276**, second reading copy, be amended as follows:

1. Title, line 6.
Strike: "46-18-205,"

2. Page 19, line 4 through line 29.
Strike: section 6 in its entirety
Renumber: subsequent sections

Amendment adopted as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: Hinkle.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 276 - Senator Facey moved **SB 276**, as amended, do pass. Motion carried as follows:
Yeas: Arthun, Augare, Barrett, Blewett, Branae, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Jones, Kaufmann, Keane, Larsen, Moore, Moss, Mowbray, Murphy, Olson, Priest, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 41

Nays: Balyeat, Brenden, Brown, Hinkle, Hutton, Jackson, Lake, Lewis, Ripley.
Total 9

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 330 - Senator Walker moved **SB 330** do pass.

SB 330 - Senator Olson moved **SB 330**, second reading copy, be amended as follows:

1. Page 1, line 11.
Strike: "**LONG-TERM WAIVER**"
Insert: "Waiver"

2. Page 1, line 12.
Strike: "LONG-TERM"

Following: "PART,"
Insert: "of not more than 3 compliance years subject to renewal upon application to the commission,"

3. Page 4, line 4.
Strike: "less"
Insert: "more"
Following: "years"
Insert: "subject to renewal upon application to the commission"

4. Page 5, line 30.
Strike: "LONG-TERM"

Amendment adopted as follows:

Yeas: Arthun, Balyeat, Barrett, Branae, Brenden, Brown, Buttrey, Caferro, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tutvedt, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 43

Nays: Augare, Blewett, Erickson, Kaufmann, Larsen, Tropila, Van Dyk.
Total 7

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 330 - Senator Walker moved **SB 330**, as amended, do pass. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Keane, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 29

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 356 - Senator Hamlett moved **SB 356** do pass.

SB 356 - Senator Hamlett moved **SB 356**, second reading copy, be amended as follows:

1. Title, line 5.
Following: "OR PRELIMINARY DECREE;"
Insert: "AND"

2. Title, line 6.
Strike: "; AND PROVIDING A RETROACTIVE APPLICABILITY DATE"

3. Page 4, line 3 through line 4.
Strike: section 2 in its entirety

Amendment adopted as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 356 - Senator Hamlett moved **SB 356**, as amended, do pass. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hamlett, Hinkle, Hutton, Jackson, Jones, Keane, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 30

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hawks, Jent, Kaufmann, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 226 - Senator Priest moved **SB 226** do pass. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Mr. President.
Total 26

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Jones, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich,

Wanzenried, Williams, Windy Boy, Zinke.
Total 24

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 317 - Senator Vincent moved **SB 317** do pass. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Mr. President.
Total 27

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke.
Total 23

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Essmann moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. Senate resumed. President Peterson in the chair. Chairman Zinke moved the Committee of the Whole report be adopted. Report adopted as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Branae, Brenden, Brown, Buttrey, Caferro, Essmann, Facey, Gallus, Hamlett, Hinkle, Hutton, Jackson, Jones, Keane, Lake, Larsen, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tutvedt, Vincent, Vuckovich, Walker, Wittich, Zinke, Mr. President.
Total 38

Nays: Blewett, Erickson, Gillan, Hawks, Jent, Kaufmann, Moss, Tropila, Van Dyk, Wanzenried, Williams, Windy Boy.
Total 12

Absent or not voting: None.
Total 0

Excused: None.
Total 0

MOTIONS

Senator Keane moved to change his vote on **SB 330** from Yes to No. Without objection, so ordered.

Senator Van Dyk moved that **SB 362** be taken from Public Health, Welfare and Safety and brought before the Committee of the Whole. Motion **failed** as follows:
Yeas: Augare, Blewett, Branae, Buttrey, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Olson, Stewart-Peregoy, Tropila, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 25

Nays: Arthun, Balyeat, Barrett, Brenden, Brown, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Walker, Wittich, Zinke, Mr. President.
Total 25

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Wanzenried rose on a point of personal privilege.

Senator Essmann moved the Senate recess until 10:45 a.m. Motion carried

Senate in recess.

Senate reconvened at 10:47 a.m.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Essmann moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Zinke in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 233 - Senator Keane moved **SB 233** do pass. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Gallus, Hamlett, Hinkle, Hutton, Jackson, Jones, Keane, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Vuckovich, Walker, Mr. President.
Total 30

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gillan, Hawks, Jent, Kaufmann, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried, Williams, Windy Boy, Wittich, Zinke.
Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 2 - Senator Caferro moved **SB 2** do pass. Motion **failed** as follows:
Yeas: Augare, Balyeat, Branae, Buttrey, Caferro, Facey, Gallus, Gillan, Hawks, Jones, Kaufmann, Keane, Moore, Moss, Priest, Ripley, Steinbeisser, Stewart-Peregoy, Tropila, Van Dyk, Vincent, Vuckovich, Windy Boy, Wittich, Zinke.
Total 25

Nays: Arthun, Barrett, Blewett, Brenden, Brown, Erickson, Essmann, Hamlett, Hinkle, Hutton, Jackson, Jent, Lake, Larsen, Lewis, Mowbray, Murphy, Olson, Shockley, Sonju, Tutvedt, Walker, Wanzenried, Williams, Mr. President.
Total 25

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 2 - Senator Essmann moved **SB 2** be **indefinitely postponed**. Motion carried as follows:
Yeas: Arthun, Barrett, Blewett, Brenden, Brown, Essmann, Facey, Hinkle, Hutton, Jackson, Jent, Jones, Lake, Larsen, Lewis, Mowbray, Murphy, Olson, Priest, Shockley, Tutvedt, Vincent, Walker, Wanzenried, Williams, Wittich, Zinke, Mr. President.
Total 28

Nays: Augare, Balyeat, Branae, Buttrey, Caferro, Erickson, Gallus, Gillan, Hamlett, Hawks, Kaufmann, Keane, Moore, Moss, Ripley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Windy Boy.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 83 - Senator Brenden moved **SB 83** do pass. Motion **failed** as follows:
Yeas: Arthun, Brenden, Hutton, Jones, Lake, Lewis, Moore, Mowbray, Olson, Priest, Ripley, Shockley, Steinbeisser, Tutvedt.
Total 14

Nays: Augare, Balyeat, Barrett, Blewett, Branae, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Jackson, Jent, Kaufmann, Keane, Larsen, Moss, Murphy, Sonju, Stewart-Peregoy, Tropila, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 36

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 83 - Senator C. Williams moved **SB 83** be **indefinitely postponed**. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brown, Caferro, Erickson, Essmann, Facey, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Windy Boy, Wittich, Mr. President.
Total 42

Nays: Brenden, Buttrey, Gallus, Jackson, Ripley, Sonju, Walker, Zinke.
Total 8

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 211 - Senator Hutton moved **SB 211** do pass. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 241 - Senator Priest moved **SB 241** do pass. Motion carried as follows:
Yeas: Arthun, Augare, Barrett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 39

Nays: Balyeat, Blewett, Essmann, Hinkle, Larsen, Shockley, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 11

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 284 - Senator Blewett moved **SB 284** do pass. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jones, Kaufmann, Keane, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 47

Nays: Jent, Lake, Steinbeisser.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Essmann move rise and beg leave to sit again. Motion carried.

Senate in recess.

Senate reconvened at 1:01 p.m.

Senator Gallus assumed the chair.

SB 301 - Senator Ripley moved **SB 301** do pass. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Vuckovich, Walker, Wittich, Zinke, Mr. President.
Total 29

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried, Williams, Windy Boy.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 303 - Senator Brenden moved **SB 303** do pass. Motion carried as follows:
Yeas: Arthun, Barrett, Brenden, Brown, Buttrey, Hinkle, Hutton, Jackson, Jones, Keane, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Sonju, Steinbeisser, Tutvedt, Vincent, Vuckovich, Walker, Wittich, Zinke, Mr. President.
Total 27

Nays: Augare, Balyeat, Blewett, Branae, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Larsen, Moss, Shockley, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried, Williams, Windy Boy.
Total 23

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 174 - Senator Vuckovich moved **SB 174** do pass. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Erickson, Essmann, Hinkle, Hutton, Jackson, Jones, Keane, Lake, Larsen, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Vuckovich, Walker, Zinke, Mr. President.
Total 31

Nays: Augare, Blewett, Branae, Caferro, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Moss, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried, Williams, Windy Boy,

Wittich.
Total 19

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 224 - Senator Priest moved **SB 224** do pass. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 306 - Senator Murphy moved **SB 306** do pass. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Gallus, Hinkle, Hutton, Jackson, Jones, Keane, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Sonju, Steinbeisser, Tutvedt, Vincent, Vuckovich, Walker, Wittich, Mr. President.
Total 29

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gillan, Hamlett, Hawks, Jent, Kaufmann, Larsen, Moss, Shockley, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried, Williams, Windy Boy, Zinke.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJR 12 - Senator Walker moved **SJR 12** do pass. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Gallus, Gillan,

Hamlett, Hinkle, Hutton, Jackson, Jones, Keane, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Vuckovich, Walker, Wanzenried, Wittich, Zinke, Mr. President.
Total 35

Nays: Blewett, Branae, Caferro, Erickson, Facey, Hawks, Jent, Kaufmann, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Williams, Windy Boy.
Total 15

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 312 - Senator Vincent moved **SB 312** do pass. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hamlett, Hinkle, Hutton, Jackson, Jones, Keane, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Vuckovich, Walker, Wittich, Zinke, Mr. President.
Total 32

Nays: Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hawks, Jent, Kaufmann, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried, Williams, Windy Boy.
Total 18

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 324 - Senator Balyeat moved **SB 324** do pass. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 327 - Senator Larsen moved **SB 327** do pass. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 329 - Senator Zinke moved **SB 329** do pass. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 341 - Senator Moore moved **SB 341** do pass. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 27

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich,

Wanzenried, Williams, Windy Boy.
Total 23

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 351 - Senator Ripley moved **SB 351** do pass. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 364 - Senator Brenden moved **SB 364** do pass. Motion **failed** as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Hinkle, Jones, Keane, Lake, Lewis, Moore, Olson, Ripley, Sonju, Steinbeisser, Tutvedt, Vuckovich, Walker, Zinke, Mr. President.
Total 21

Nays: Augare, Blewett, Branae, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Kaufmann, Larsen, Moss, Mowbray, Murphy, Priest, Shockley, Stewart-Peregoy, Tropila, Van Dyk, Vincent, Wanzenried, Williams, Windy Boy, Wittich.
Total 29

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 364 - Senator C. Williams moved **SB 364** be **indefinitely postponed**. Motion carried as follows:
Yeas: Augare, Balyeat, Blewett, Branae, Caferro, Erickson, Essmann, Facey, Gallus, Gillan,

Hamlett, Hawks, Hinkle, Hutton, Jent, Kaufmann, Larsen, Moss, Mowbray, Murphy, Olson, Priest, Shockley, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Mr. President.
Total 32

Nays: Arthun, Barrett, Brenden, Brown, Buttrey, Jackson, Jones, Keane, Lake, Lewis, Moore, Ripley, Sonju, Steinbeisser, Vincent, Walker, Wittich, Zinke.
Total 18

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 366 - Senator Vincent moved **SB 366** do pass. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Mr. President.
Total 27

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke.
Total 23

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 370 - Senator Priest moved **SB 370** do pass. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Murphy, Olson, Priest, Ripley, Shockley, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 26

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Mowbray, Sonju, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 24

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 385 - Senator Caferro moved **SB 385** do pass. Motion carried as follows:
Yeas: Augare, Barrett, Blewett, Branae, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Larsen, Moore, Moss, Mowbray, Murphy, Olson, Ripley, Shockley, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 40

Nays: Arthun, Balyeat, Brenden, Hinkle, Lake, Lewis, Priest, Sonju, Steinbeisser, Vincent.
Total 10

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 387 - Senator Buttrey moved **SB 387** do pass. Motion **failed** as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Moore, Mowbray, Murphy, Priest, Ripley, Shockley, Sonju, Steinbeisser, Vincent, Walker, Wittich.
Total 22

Nays: Augare, Blewett, Branae, Brown, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Lewis, Moss, Olson, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 28

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 387 - Senator C. Williams moved **SB 387** be **indefinitely postponed**. Motion carried as follows:
Yeas: Arthun, Augare, Blewett, Branae, Brown, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Jones, Kaufmann, Keane, Larsen, Lewis, Moss, Mowbray, Murphy, Olson, Shockley, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Mr. President.
Total 33

Nays: Balyeat, Barrett, Brenden, Buttrey, Hinkle, Hutton, Jackson, Lake, Moore, Priest, Ripley,

Sonju, Steinbeisser, Vincent, Walker, Wittich, Zinke.
Total 17

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 388 - Senator Walker moved **SB 388** do pass. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Buttrey, Essmann, Gillan, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Mr. President.
Total 27

Nays: Augare, Blewett, Branae, Brown, Caferro, Erickson, Facey, Gallus, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke.
Total 23

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 81 - Senator Wanzenried moved **SB 81** do pass. Motion carried as follows:
Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Larsen, Lewis, Moss, Mowbray, Murphy, Olson, Ripley, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 40

Nays: Balyeat, Brenden, Hinkle, Keane, Lake, Moore, Priest, Sonju, Vincent, Wittich.
Total 10

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 141 - Senator Gillan moved **SB 141** do pass. Motion carried as follows:
Yeas: Augare, Barrett, Branae, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Lewis, Moss, Mowbray, Olson,

Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 37

Nays: Arthun, Balyeat, Blewett, Brenden, Hinkle, Hutton, Jackson, Jones, Lake, Moore, Murphy, Priest, Ripley.
Total 13

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 291 - Senator Zinke moved **SB 291** do pass. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Buttrey, Caferro, Essmann, Facey, Gallus, Gillan, Hamlett, Hinkle, Jackson, Jent, Jones, Lewis, Moore, Mowbray, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Wanzenried, Windy Boy, Wittich, Zinke, Mr. President.
Total 35

Nays: Augare, Blewett, Branae, Brown, Erickson, Hawks, Hutton, Kaufmann, Keane, Lake, Larsen, Moss, Murphy, Van Dyk, Williams.
Total 15

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Essmann moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Peterson in the chair. Chairman Gallus moved the Committee of the Whole report be adopted. Report adopted as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Branae, Brenden, Brown, Caferro, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Windy Boy, Wittich, Zinke, Mr. President.
Total 43

Nays: Blewett, Buttrey, Erickson, Kaufmann, Van Dyk, Wanzenried, Williams.
Total 7

Absent or not voting: None.
Total 0

Excused: None.
Total 0

MOTIONS

Senator Essmann moved that **SB 317, SB 312, SB 329, SB 385, SB 81** be referred to the Finance and Claims committee. Without objection, so ordered.

Senator Wanzenried moved that **SB 224, SB 324** be referred to the Finance and Claims committee. Motion **failed** as follows:
Yeas: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Nays: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Wanzenried moved to reconsider action on **SB 315**. Senator Wanzenried withdrew his motion.

Sen. Wanzenried moved to reconsider action on **SB 315** and ask the House to return **SB 315**.

Senator Ripley made a substitute motion that the Senate adjourn until Thursday, February 24, 2011, at 8:00 a.m. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wanzenried, Wittich, Zinke, Mr. President.
Total 28

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Murphy, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Williams, Windy Boy.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

The Senate adjourned at 5:38 p.m.

MARILYN MILLER
Secretary of the Senate

JIM PETERSON
President of the Senate

SENATE JOURNAL
62ND LEGISLATURE
FORTY-FIFTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
February 24, 2011 — State Capitol

Senate convened at 8:00 a.m. President Peterson presiding. Invocation by Chaplain Keith Johnson. Pledge of Allegiance to the Flag. Roll Call. All members present, except Senators Brenden and Jent, excused. Quorum present.

BILLS AND JOURNALS: 3/2/2011

Correctly printed: **SB 81**, **SB 141**, **SB 174**, **SB 211**, **SB 224**, **SB 226**, **SB 233**, **SB 241**, **SB 284**, **SB 291**, **SB 301**, **SB 303**, **SB 306**, **SB 312**, **SB 317**, **SB 324**, **SB 327**, **SB 329**, **SB 341**, **SB 351**, **SB 366**, **SB 370**, **SB 374**, **SB 384**, **SB 385**, **SB 388**, **SJR 12**.
Correctly engrossed: **SB 276**, **SB 330**, **SB 356**.

MOTIONS

Senator Williams moved the Democrats recess for caucus. Senator Essmann moved the Republicans recess for caucus. Without objection, so ordered.

Senate in recess.

Senate reconvened at 8:19 a.m.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 2/23/2011

HB 291, introduced by Sesso
HB 391, introduced by Berry
HB 403, introduced by MacLaren
HB 405, introduced by Taylor
HB 431, introduced by Regier
HB 457, introduced by Noonan
HB 469, introduced by Clark
HB 481, introduced by Belcourt
HB 483, introduced by Howard
HB 484, introduced by Squires
HB 487, introduced by Clark
HB 489, introduced by O'Neil
HB 491, introduced by Cuffe
HB 516, introduced by Hansen
HB 517, introduced by McNutt
HB 525, introduced by McNiven

HB 528, introduced by F. Smith
HB 542, introduced by Esp
HB 543, introduced by Fitzpatrick
HB 547, introduced by K. Peterson
HB 548, introduced by Bangerter
HB 550, introduced by Read
HB 559, introduced by Esp
HB 563, introduced by Arntzen
HB 584, introduced by Mehlhoff
HB 593, introduced by Ankney

House joint resolutions passed and transmitted to the Senate for concurrence: 2/23/2011

HJR 14, introduced by More
HJR 17, introduced by Stahl
HJR 19, introduced by Furey

MOTIONS

Senator Murphy moved to change his vote on **SB 387** from Yes to No. Without objection, so ordered.

Senator Wanzenried moved to recall **SB 315** from the House of Representatives. Motion **failed** as follows:
Yeas: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 21

Nays: Arthun, Balyeat, Barrett, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 27

Absent or not voting: None.
Total 0

Excused: Brenden, Jent.
Total 2

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 141 passed as follows:
Yeas: Arthun, Augare, Barrett, Branae, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Lewis, Moss, Olson, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 34

Nays: Balyeat, Blewett, Hinkle, Hutton, Jackson, Jones, Lake, Moore, Mowbray, Murphy, Priest, Ripley, Shockley, Sonju, Steinbeisser.
Total 15

Paired: Jent, Aye; Moore, No.

Absent or not voting: None.
Total 0

Excused: Brenden.
Total 1

SB 174 passed as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Keane, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Vuckovich, Walker, Zinke, Mr. President.
Total 29

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried, Williams, Windy Boy, Wittich.
Total 21

Paired: Brenden, Hinkle, Aye; Jent, Stewart-Peregoy, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 211 passed as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Brenden, Jent.
Total 2

SB 224 passed as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Paired: Brenden, Hinkle, Aye; Jent, Stewart-Peregoy, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 226 passed as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Mr. President.
Total 26

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Jones, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke.
Total 24

Paired: Brenden, Hinkle, Aye; Jent, Stewart-Peregoy, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 233 passed as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Gallus, Hamlett, Hinkle, Hutton, Jackson, Jones, Keane, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Vuckovich, Walker, Mr. President.
Total 30

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gillan, Hawks, Jent, Kaufmann, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried, Williams, Windy Boy, Wittich, Zinke.
Total 20

Paired: Brenden, Hinkle, Aye; Jent, Stewart-Peregoy, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 241 passed as follows:
Yeas: Arthun, Barrett, Branae, Brown, Buttrey, Caferro, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 36

Nays: Augare, Balyeat, Blewett, Erickson, Essmann, Facey, Hinkle, Larsen, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 13

Paired: Jent, Aye; Hinkle, No.

Absent or not voting: None.
Total 0

Excused: Brenden.
Total 1

SB 276 passed as follows:
Yeas: Augare, Barrett, Blewett, Branae, Buttrey, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moore, Moss, Mowbray, Murphy, Olson, Priest, Shockley, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.

Total 35

Nays: Arthun, Balyeat, Brown, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Ripley, Sonju, Steinbeisser, Walker.
Total 14

Paired: Jent, Aye; Hinkle, No.

Absent or not voting: None.
Total 0

Excused: Brenden.
Total 1

SB 284 passed as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jones, Kaufmann, Keane, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 46

Nays: Jent, Lake, Steinbeisser.
Total 3

Paired: Hinkle, Aye; Jent, No.

Absent or not voting: None.
Total 0

Excused: Brenden.
Total 1

SB 291 passed as follows:
Yeas: Arthun, Balyeat, Barrett, Buttrey, Caferro, Essmann, Facey, Gallus, Gillan, Hamlett, Hinkle, Jackson, Jent, Jones, Lake, Lewis, Moore, Mowbray, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Wanzenried, Windy Boy, Wittich, Zinke, Mr. President.
Total 35

Nays: Augare, Blewett, Branae, Brown, Erickson, Hawks, Hutton, Kaufmann, Keane, Larsen, Moss, Murphy, Van Dyk, Williams.
Total 14

Paired: Jent, Aye; Kaufmann, No.

Absent or not voting: None.
Total 0

Excused: Brenden.
Total 1

SB 301 passed as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Vuckovich, Walker, Wittich, Zinke, Mr. President.
Total 29

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried, Williams, Windy Boy.
Total 21

Paired: Brenden, Hinkle, Aye; Jent, Stewart-Peregoy, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 303 failed as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Gallus, Hinkle, Jones, Keane, Lake, Lewis, Moore, Mowbray, Olson, Priest, Ripley, Sonju, Steinbeisser, Tutvedt, Vincent, Vuckovich, Walker, Wittich, Mr. President.
Total 25

Nays: Augare, Blewett, Branae, Caferro, Erickson, Essmann, Facey, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Kaufmann, Larsen, Moss, Murphy, Shockley, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried, Williams, Windy Boy, Zinke.
Total 25

Paired: Brenden, Hinkle, Aye; Jent, Stewart-Peregoy, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 304 passed as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Brenden, Jent.
Total 2

SB 306 passed as follows:

Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Gallus, Hinkle, Hutton, Jackson, Jones, Keane, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Sonju, Steinbeisser, Tutvedt, Vincent, Vuckovich, Walker, Wittich, Mr. President.
Total 29

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gillan, Hamlett, Hawks, Jent, Kaufmann, Larsen, Moss, Shockley, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried, Williams, Windy Boy, Zinke.
Total 21

Paired: Brenden, Hinkle, Aye; Jent, Stewart-Peregoy, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 324 passed as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried,

Williams, Windy Boy.
Total 22

Paired: Brenden, Hinkle, Aye; Jent, Stewart-Peregoy, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 327 passed as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Brenden, Jent.
Total 2

SB 330 passed as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Paired: Brenden, Hinkle, Aye; Jent, Stewart-Peregoy, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 341 passed as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Paired: Brenden, Hinkle, Aye; Jent, Stewart-Peregoy, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 351 passed as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Brenden, Jent.
Total 2

SB 356 passed as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hamlett, Hinkle, Hutton, Jackson, Jones, Keane, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Vuckovich, Walker, Windy Boy, Wittich, Zinke, Mr. President.
Total 32

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hawks, Jent, Kaufmann, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried, Williams.
Total 18

Paired: Brenden, Hinkle, Aye; Jent, Stewart-Peregoy, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 357 passed as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Brenden, Jent.
Total 2

SB 361 passed as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brown, Buttrey, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Jones, Keane, Lake, Larsen, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Vincent, Vuckovich, Wanzenried, Williams, Windy Boy, Wittich, Mr. President.
Total 38

Nays: Caferro, Erickson, Essmann, Hinkle, Hutton, Jackson, Kaufmann, Moss, Van Dyk, Walker, Zinke.
Total 11

Paired: Jent, Aye; Hinkle, No.

Absent or not voting: None.
Total 0

Excused: Brenden.
Total 1

SB 366 passed as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Mr. President.
Total 27

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke.
Total 23

Paired: Brenden, Hinkle, Aye; Jent, Stewart-Peregoy, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 370 passed as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Paired: Brenden, Hinkle, Aye; Jent, Stewart-Peregoy, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 374 passed as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Branae, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju,

Steinbeisser, Stewart-Peregoy, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 47

Nays: Blewett, Tropila.
Total 2

Paired: Jent, Aye; Tropila, No.

Absent or not voting: None.
Total 0

Excused: Brenden.
Total 1

SB 384 passed as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brown, Buttrey, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jones, Kaufmann, Keane, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 45

Nays: Caferro, Lake, Tutvedt.
Total 3

Absent or not voting: None.
Total 0

Excused: Brenden, Jent.
Total 2

SB 388 failed as follows:
Yeas: Balyeat, Barrett, Brenden, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Mr. President.
Total 24

Nays: Arthun, Augare, Blewett, Branae, Brown, Buttrey, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke.
Total 26

Paired: Brenden, Hinkle, Aye; Jent, Stewart-Peregoy, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJR 12 adopted as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Brown, Buttrey, Essmann, Gallus, Gillan, Hamlett, Hinkle, Hutton, Jackson, Jones, Keane, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wanzenried, Wittich, Zinke, Mr. President.
Total 33

Nays: Blewett, Branae, Caferro, Erickson, Facey, Hawks, Jent, Kaufmann, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Williams, Windy Boy.
Total 16

Paired: Gillan, Aye; Jent, No.

Absent or not voting: None.
Total 0

Excused: Brenden.
Total 1

SPECIAL ORDERS OF THE DAY

Senator Brown thanked the pages for their work during the week of February 21-24, 2011.

Senator Windy Boy raised a point of personal privilege and clarified information he recited the previous day came from a Department of Environmental Quality publication entitled Montanan's for Common Sense Mining Laws.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Essmann moved that the Senate adjourn until 4:30 p.m., Tuesday, March 1, 2011. Motion carried.

Senate adjourned at 8:45 a.m.

MARILYN MILLER
Secretary of the Senate

JIM PETERSON
President of the Senate

SENATE JOURNAL
62ND LEGISLATURE
FORTY-SIXTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
March 1, 2011 — State Capitol

Senate convened at 4:30 p.m. President Peterson presiding. Invocation by Chaplain Keith Johnson. Pledge of Allegiance to the Flag. Roll Call. All members present, except Senators Brenden and Jent, excused. Quorum present.

LEGISLATIVE ADMINISTRATION (Brown, Chairman): 3/1/2011
MR. PRESIDENT:
We, your committee on Legislative Administration recommend that employment of the following attaches of the Senate be terminated as of 9:30 a.m., Thursday, February 24, 2011:

TITLE	NAME
Pages:	Holly Capp, Great Falls
	Courtney Lotto, Missoula
	Holly Hollinger, Missoula
	Eleanor Krueger, Anaconda
	Joe Bullington, Helena
	Sydney Stivers, Lewistown
	Mercedes Running Crane, Browning

and recommend that the following attaches of the Senate be employed as of 1:00 p.m., Tuesday, March 1, 2011:

TITLE	NAME
Pages:	Austin McCleary, Hardin
	McKenzie Chambers, Montana City
	Gwen Good Luck, Crow Agency
	Cassie Hintz, Missoula
	Cierra Dauenhauer, Butte

Report Adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 2/24/2011

HB 334, introduced by Reichner
HB 446, introduced by Hill
HB 479, introduced by Small
HB 494, introduced by Edmunds
HB 526, introduced by Edmunds

HB 530, introduced by Washburn
HB 544, introduced by More
HB 552, introduced by Hale
HB 555, introduced by Fitzpatrick
HB 573, introduced by Hunter
HB 594, introduced by Sesso

Senate amendments to House bills concurred in: 2/24/2011

HB 54, introduced by Vance
HB 89, introduced by Ingraham

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Essmann moved that the Senate adjourn until 1:00 p.m., Wednesday, March 2, 2011. Motion carried.

Senate adjourned at 4:35 p.m.

MARILYN MILLER
Secretary of the Senate

JIM PETERSON
President of the Senate

SENATE JOURNAL
62ND LEGISLATURE
FORTY-SEVENTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
March 2, 2011 — State Capitol

Senate convened at 1:00 p.m. President Peterson presiding. Invocation by Chaplain Keith Johnson. Pledge of Allegiance to the Flag. Roll Call. All members present. Quorum present.

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Balyeat, Chairman): 3/2/2011
HB 44, be concurred in. Report adopted.
HB 57, be concurred in. Report adopted.
HB 84, be concurred in. Report adopted.

MOTIONS

Senator Brenden moved to reconsider action on **SB 303**, and that **SB 303** be placed on third reading the next day. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Keane, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Vuckovich, Walker, Wittich, Zinke, Mr. President.
Total 30

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried, Williams, Windy Boy.
Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Murphy moved **HB 341**, **HB 342**, and **HB 464** be moved from the Judiciary committee to the Business, Labor, and Economic Affairs committee. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Balyeat moved **HB 265** be moved from the Business, Labor, and Economic Affairs committee to the Highways and Transportation committee. Without objection, so ordered.

Senator Kaufmann moved **SB 251** be moved from the Committee of the Whole to the Highways and Transportation committee. Without objection, so ordered.

Senator Jones moved that **SB 381** be re-referred back to the Agriculture, Livestock and Irrigation committee. Without objection, so ordered. (**SB 381** was already in Agriculture, Livestock and Irrigation committee. Motion had no effect.)

FIRST READING AND COMMITMENT OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 166, introduced by Esp, referred to Agriculture, Livestock and Irrigation.
HB 271, introduced by Kerns, Hinkle, Harris, Vance, Miller, Howard, Randall, Ingraham, Wagner, Wittich, Yates, Kennedy, Hale, Skees, Flynn, Hendrick, Blyton, Blasdel, Taylor, C. Smith, Regier, Warburton, G. Bennett, Hansen, Loney, Read, McGillvray, Knox, O'Neil, Greef, Brodehl, McNiven, Salomon, K. Peterson, Skattum, Vincent, referred to Judiciary.
HB 291, introduced by Sesso, Wilmer, Noonan, Hiner, Driscoll, Malek, F. Smith, Furey, Yates, Swanson, Hands, Pease-Lopez, Belcourt, Sands, Menahan, McChesney, Reinhart, Keane, McClafferty, referred to Energy and Telecommunications.
HB 334, introduced by Reichner, G. Bennett, Buttrey, Taylor, J. Peterson, O'Hara, Zinke, Ingraham, McGillvray, Clark, Milburn, Sonju, Connell, Arntzen, Rosendale, Hendrick, Cook, Hoven, Hansen, Burnett, O'Neil, Hale, Hollandsworth, Klock, Howard, Evans, Kerns, Olson, Vance, Bangerter, Beck, Warburton, More, Harris, Welborn, Read, Berry, Small, Steinbeisser, Roberts, Ripley, Regier, Balyeat, Jackson, Blyton, Miller, Skattum, Blasdel, McNiven, Brodehl, Ankney, Salomon, Osmundson, Randall, Ehli, C. Smith, Skees, Wagner, Stahl, Greef, Flynn, Walker, Cuffe, Yates, Tutvedt, Washburn, McNutt, Knudsen, Edmunds, Kary, Lavin, MacLaren, Knox, Gibson, referred to Business, Labor, and Economic Affairs.
HB 344, introduced by Gibson, referred to State Administration.
HB 380, introduced by Blasdel, McChesney, Olson, Belcourt, referred to Local Government.
HB 391, introduced by Berry, referred to Local Government.
HB 403, introduced by MacLaren, referred to Local Government.
HB 405, introduced by Taylor, Tutvedt, MacLaren, referred to Business, Labor, and Economic Affairs.
HB 430, introduced by Loney, Wittich, O'Hara, Wilmer, Price, Kary, Harris, Skattum, referred to Agriculture, Livestock and Irrigation.
HB 431, introduced by Regier, Blasdel, Taylor, C. Smith, Sands, referred to State Administration.

HB 432, introduced by Berry, referred to Business, Labor, and Economic Affairs.
HB 446, introduced by Hill, referred to Judiciary.
HB 456, introduced by C. Smith, Wittich, Hale, Essmann, McGillvray, Stahl, Blasdel, Howard, Milburn, Taylor, Loney, Warburton, Edmunds, G. Bennett, Skees, Cuffe, Harris, K. Peterson, More, Knox, Osmundson, Vance, Berry, Blyton, Ingraham, Wagner, Read, Kary, O'Hara, Randall, referred to Judiciary.
HB 457, introduced by Noonan, Hunter, Wilmer, Price, McClafferty, Furey, K. Williams, Hands, Sands, Court, Reinhart, F. Smith, Boland, Pease-Lopez, Mehlhoff, Sesso, McNally, Schmidt, McChesney, Dick Barrett, MacDonald, Belcourt, B. Bennett, Hollenbaugh, Hiner, Hill, Malek, Driscoll, Squires, Swanson, referred to Judiciary.
HB 469, introduced by Clark, referred to Agriculture, Livestock and Irrigation.
HB 479, introduced by Small, Ankney, Berry, Olson, McGillvray, Milburn, J. Peterson, Essmann, referred to Energy and Telecommunications.
HB 481, introduced by Belcourt, Brenden, Ripley, referred to Natural Resources.
HB 483, introduced by Howard, referred to State Administration.
HB 484, introduced by Squires, referred to State Administration.
HB 487, introduced by Clark, referred to Business, Labor, and Economic Affairs.
HB 489, introduced by O'Neil, Kennedy, Knox, referred to State Administration.
HB 491, introduced by Cuffe, Blasdel, Hollandsworth, Roberts, Hollenbaugh, Hiner, O'Neil, Ehli, Skees, Small, Evans, Greef, Belcourt, Brodehl, McChesney, F. Smith, Sesso, Flynn, referred to State Administration.
HB 494, introduced by Edmunds, referred to Local Government.
HB 497, introduced by Clark, referred to Natural Resources.
HB 508, introduced by McNally, McNiven, referred to Business, Labor, and Economic Affairs.
HB 516, introduced by Hansen, referred to Local Government.
HB 517, introduced by McNutt, referred to Highways and Transportation.
HB 522, introduced by Kary, Skees, Rosendale, Ehli, Loney, Edmunds, Reichner, Read, referred to Local Government.
HB 525, introduced by McNiven, Cook, O'Hara, Evans, Lavin, Ehli, O'Neil, Welborn, referred to Business, Labor, and Economic Affairs.
HB 526, introduced by Edmunds, C. Smith, More, G. Bennett, Kerns, Arntzen, McGillvray, referred to Public Health, Welfare and Safety.
HB 528, introduced by F. Smith, J. Peterson, Belcourt, Moore, Loney, G. Bennett, Brown, Hendrick, MacDonald, Milburn, Read, referred to State Administration.
HB 530, introduced by Washburn, referred to State Administration.
HB 531, introduced by Fitzpatrick, referred to Business, Labor, and Economic Affairs.
HB 535, introduced by Knudsen, K. Peterson, referred to Business, Labor, and Economic Affairs.
HB 536, introduced by Flynn, referred to Fish and Game.
HB 538, introduced by K. Peterson, O'Hara, referred to Local Government.
HB 541, introduced by Welborn, referred to Agriculture, Livestock and Irrigation.
HB 542, introduced by Esp, referred to Local Government.
HB 543, introduced by Fitzpatrick, referred to State Administration.
HB 544, introduced by More, referred to Judiciary.
HB 547, introduced by K. Peterson, referred to Business, Labor, and Economic Affairs.

HB 548, introduced by Bangerter, Menahan, Hansen, referred to Judiciary.
HB 550, introduced by Read, More, Harris, Kennedy, Knox, Arntzen, Burnett, Klock, Beck, Roberts, G. Bennett, Howard, Wagner, Hollandsworth, C. Smith, Miller, O'Neil, Kerns, Blyton, Warburton, Hale, Skattum, Skees, Regier, Lavin, Rosendale, Randall, Osmundson, McNiven, Edmunds, referred to Energy and Telecommunications.
HB 552, introduced by Hale, Skees, Roberts, Brodehl, Read, referred to Local Government.
HB 555, introduced by Fitzpatrick, referred to Business, Labor, and Economic Affairs.
HB 559, introduced by Esp, referred to Public Health, Welfare and Safety.
HB 563, introduced by Arntzen, referred to Business, Labor, and Economic Affairs.
HB 566, introduced by Yates, referred to Fish and Game.
HB 573, introduced by Hunter, referred to Public Health, Welfare and Safety.
HB 575, introduced by Hansen, referred to Local Government.
HB 584, introduced by Mehlhoff, F. Smith, Hiner, Hendrick, Malek, Miller, Read, Boland, McClafferty, Belcourt, O'Hara, Ankney, Kary, Hollandsworth, McChesney, Edmunds, referred to Highways and Transportation.
HB 593, introduced by Ankney, referred to Energy and Telecommunications.
HB 594, introduced by Sesso, Ankney, Stahl, Murphy, Olson, Furey, Moss, Zinke, Hamlett, MacDonald, Small, B. Bennett, Erickson, Wanzenried, Blewett, McChesney, Lavin, Larsen, Jones, referred to Highways and Transportation.

The following House joint resolutions were introduced, read first time, and referred to committees:

HJR 14, introduced by More, referred to Judiciary.
HJR 17, introduced by Stahl, referred to Highways and Transportation.
HJR 19, introduced by Furey, Larsen, Wilmer, F. Smith, Schmidt, Erickson, Howard, Jent, Hunter, MacDonald, Belcourt, Phillips, Hawks, Swanson, K. Williams, Hands, Cook, Noonan, Dick Barrett, Yates, J. Peterson, Price, McClafferty, McChesney, Malek, Boland, Vuckovich, Hollenbaugh, McNally, Stahl, Brodehl, Mehlhoff, B. Bennett, Hiner, Hoven, Windy Boy, Blyton, Squires, Hill, Hendrick, Ankney, Skattum, Small, Milburn, Menahan, Hollandsworth, Driscoll, Cuffe, Pease-Lopez, O'Neil, Osmundson, Flynn, Hutton, Branae, Moss, Clark, McNutt, Lewis, Knudsen, Gallus, Hamlett, Ripley, More, Zinke, Brenden, Klock, Murphy, Ehli, Blasdel, Knox, Kerns, Loney, Lavin, G. Bennett, Harris, Skees, Evans, Reichner, Taylor, Ingraham, McGillvray, Greef, Warburton, Shockley, Esp, Read, Roberts, Gibson, Connell, referred to State Administration.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Essmann moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Walker in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 1 - Senator Tutvedt moved **SB 1** do pass. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson,

Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Mr. President.
Total 44

Nays: Blewett, Hinkle, Sonju, Van Dyk, Wittich, Zinke.
Total 6

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 219 - Senator Branae moved **SB 219** do pass. Motion carried as follows:
Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 46

Nays: Balyeat, Sonju, Steinbeisser, Vincent.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 283 - Senator Essmann moved **SB 283** do pass. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 19 - Senator Murphy moved **HB 19** be concurred in.

HB 19 - Senator Murphy moved **HB 19**, second reading copy, be amended as follows:

1. Page 2, following line 12.
Insert:
"COORDINATION SECTION. **Section 2. Coordination instruction.** (1) If House Bill No. 161 is passed and approved, then [this act] is void.
(2) If House Bill No. 175 is passed by the electorate in 2012, then [this act] is void on [the effective date of House Bill No. 175].
Renumber: subsequent section

Amendment adopted as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 19 - Senator Murphy moved **HB 19**, as amended, be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 74 - Senator Gillan moved **HB 74** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 132 - Senator Arthun moved **HB 132** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moss, Mowbray, Murphy, Olson, Priest, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 46

Nays: Hinkle, Moore, Ripley, Shockley.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 182 - Senator Buttrey moved **HB 182** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Ripley, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich,

Walker, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 46

Nays: Balyeat, Priest, Sonju, Wittich.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 204 - Senator Ripley moved **HB 204** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 208 - Senator Zinke moved **HB 208** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Branae, Brenden, Brown, Buttrey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tutvedt, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 40

Nays: Blewett, Caferro, Erickson, Essmann, Facey, Hinkle, Kaufmann, Tropila, Van Dyk, Wittich.
Total 10

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 294 - Senator Brown moved **HB 294** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: Kaufmann.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Essmann moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Peterson in the chair. Chairman Walker moved the Committee of the Whole report be adopted. Report adopted as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: Blewett.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SPECIAL ORDERS OF THE DAY

Senator Brown introduced the pages for the week of March 1-5, 2011.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Essmann moved that the Senate adjourn until 1:00 p.m., Thursday, March 3, 2011. Motion carried.

Senate adjourned at 2:07 p.m.

MARILYN MILLER
Secretary of the Senate

JIM PETERSON
President of the Senate

SENATE JOURNAL
62ND LEGISLATURE
FORTY-EIGHTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
March 3, 2011 — State Capitol

Senate convened at 1:00 p.m. President Peterson presiding. Invocation by Chaplain Keith Johnson. Pledge of Allegiance to the Flag. Roll Call. All members present, except Senator Larsen, excused. Quorum present.

BILLS AND JOURNALS: 3/3/2011

Correctly printed: **SB 1**, **SB 219**, **SB 283**, **HB 44**, **HB 57**, **HB 74**, **HB 84**, **HB 132**, **HB 182**, **HB 204**, **HB 208**, **HB 294**.
Correctly engrossed: **HB 19**.

Mr. President: We, your committee on Bills and Journals, having examined the daily journals for the thirty-first, thirty-second, thirty-third, thirty-fourth, and thirty-fifth legislative days, find the same to be correct.

Senator Brown, Chair

REPORTS OF STANDING COMMITTEES

FINANCE AND CLAIMS (Lewis, Chairman): 3/3/2011
HB 38, be concurred in. Report adopted.
HB 42, be amended as follows:

1. Title, page 1, line 6.
Following: "TO THE"
Strike: "STATE GENERAL FUND"
Insert: "GUARANTEE ACCOUNT"

2. Page 3, line 15.
Strike: "2015"
Insert: "2017"

3. Page 3, line 25.
Strike: "2015"
Insert: "2017"

4. Page 4, line 20.
Strike: "2015"
Insert: "2017"

5. Page 4, line 23.
Strike: "2015"
Insert: "2017"

6. Page 4, line 26.
Strike: "$6"
Insert: "$8.5"
Following: "to the"
Strike: "state general fund"
Insert: "guarantee account provided for in 20-9-622"

And, as amended, be concurred in. Report adopted.

JUDICIARY (Murphy, Chairman): 3/3/2011
HB 65, be concurred in. Report adopted.
HB 97, be concurred in. Report adopted.

LOCAL GOVERNMENT (Sonju, Chairman): 3/2/2011
HB 39, be concurred in. Report adopted.
HB 263, be concurred in. Report adopted.

NATURAL RESOURCES (Barrett, Chairman): 3/2/2011
HB 58, be concurred in. Report adopted.
HB 76, be concurred in. Report adopted.
HB 101, be concurred in. Report adopted.

STATE ADMINISTRATION (Shockley, Chairman): 3/2/2011
HB 156, be concurred in. Report adopted.

MOTIONS

Senator Barrett moved **HB 295** be moved from the Natural Resources committee to the Energy and Telecommunications committee. Without objection, so ordered.

Senator Ripley moved **HB 132** be moved from the third reading board to the Agriculture, Livestock and Irrigation committee. Without objection, so ordered.

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 392, introduced by Gillan, Wilmer, Hiner, Gallus, Dick Barrett, Larsen, Hamlett, Malek, Moss, Sesso, Branae, Vuckovich, Hands, C. Williams, Reinhart, F. Smith, Van Dyk, Blewett, Jent, McClafferty, Hollenbaugh, Keane, McChesney, Schmidt, Augare, Court, Tropila, Stewart-Peregoy, referred to Taxation.
SB 393, introduced by Van Dyk, Blewett, Kaufmann, Larsen, Moss, Hunter, Swanson, Wanzenried, Sands, C. Williams, Gillan, Branae, McChesney, Squires, Boland, Hamlett, Windy Boy, Jent, Stewart-Peregoy, Hiner, Sesso, Hill, MacDonald, Augare, Hawks, Reinhart, Mehlhoff, Hands,

Noonan, Driscoll, Phillips, Court, Hollenbaugh, B. Bennett, F. Smith, Menahan, McClafferty, referred to Taxation.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Essmann moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Hinkle in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 110 - Senator Brenden moved **SB 110** do pass. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Gallus, Hamlett, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 32

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gillan, Hawks, Kaufmann, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 17

Absent or not voting: None.
Total 0

Excused: Larsen.
Total 1

SB 199 - Senator Balyeat moved **SB 199** do pass. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hamlett, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 29

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hawks, Jent, Kaufmann, Keane, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 20

Absent or not voting: None.
Total 0

Excused: Larsen.
Total 1

SB 244 - Senator Lake moved **SB 244** do pass. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 26

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Jent, Kaufmann, Keane, Moss, Sonju, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 23

Absent or not voting: None.
Total 0

Excused: Larsen.
Total 1

SB 266 - Senator Olson moved **SB 266** do pass. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Gallus, Gillan, Hamlett, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tutvedt, Vincent, Walker, Wanzenried, Wittich, Zinke, Mr. President.
Total 33

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Hawks, Jent, Kaufmann, Keane, Moss, Tropila, Van Dyk, Vuckovich, Williams, Windy Boy.
Total 16

Absent or not voting: None.
Total 0

Excused: Larsen.
Total 1

Senator Essmann moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Peterson in the chair. Chairman Essmann moved the Committee of the Whole report be adopted. Report adopted as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Branae, Brenden, Brown, Buttrey, Caferro, Essmann, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Wittich, Zinke, Mr. President.
Total 39

Nays: Blewett, Erickson, Facey, Jent, Kaufmann, Keane, Van Dyk, Wanzenried, Williams, Windy Boy.

Total 10

Absent or not voting: None.
Total 0

Excused: Larsen.
Total 1

MOTIONS

Senator Essmann moved **SB 110** and **SB 199** be re-referred to the Finance and Claims committee. Without objection, so ordered.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 74 concurred in as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Larsen.
Total 1

HB 182 concurred in as follows:
Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Ripley, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 44

Nays: Balyeat, Hinkle, Priest, Sonju, Wittich.
Total 5

Absent or not voting: None.
Total 0

Excused: Larsen.
Total 1

HB 204 concurred in as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 48

Nays: Lake.
Total 1

Absent or not voting: None.
Total 0

Excused: Larsen.
Total 1

HB 208 concurred in as follows:
Yeas: Arthun, Balyeat, Barrett, Branae, Brenden, Brown, Buttrey, Gillan, Hamlett, Hawks, Hutton, Jackson, Jones, Lake, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Ripley, Shockley, Steinbeisser, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Windy Boy, Zinke, Mr. President.
Total 32

Nays: Augare, Blewett, Caferro, Erickson, Essmann, Facey, Gallus, Hinkle, Jent, Kaufmann, Keane, Priest, Sonju, Stewart-Peregoy, Tropila, Williams, Wittich.
Total 17

Absent or not voting: None.
Total 0

Excused: Larsen.
Total 1

HB 294 concurred in as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Wanzenried,

Windy Boy, Mr. President.
Total 43

Nays: Gallus, Kaufmann, Van Dyk, Williams, Wittich, Zinke.
Total 6

Absent or not voting: None.
Total 0

Excused: Larsen.
Total 1

SB 1 passed as follows:
Yeas: Arthun, Augare, Barrett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Mr. President.
Total 41

Nays: Balyeat, Blewett, Hawks, Hinkle, Sonju, Van Dyk, Wittich, Zinke.
Total 8

Absent or not voting: None.
Total 0

Excused: Larsen.
Total 1

SB 219 passed as follows:
Yeas: Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 45

Nays: Arthun, Hinkle, Sonju, Steinbeisser, Wittich.
Total 5

Paired: Larsen, Aye; Steinbeisser, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 283 passed as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Larsen.
Total 1

SB 303 passed as follows:
Yeas: Arthun, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Keane, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Sonju, Steinbeisser, Tutvedt, Vincent, Vuckovich, Walker, Wittich, Mr. President.
Total 27

Nays: Augare, Balyeat, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Larsen, Moss, Shockley, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried, Williams, Windy Boy, Zinke.
Total 23

Paired: Brown, Aye; Larsen, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Essmann moved that the Senate adjourn until 1:00 p.m., Friday, March 4, 2011. Motion carried.

Senate adjourned at 1:56 p.m.

MARILYN MILLER
Secretary of the Senate

JIM PETERSON
President of the Senate

SENATE JOURNAL
62ND LEGISLATURE
FORTY-NINTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
March 4, 2011 — State Capitol

Senate convened at 1:00 p.m. President Peterson presiding. Invocation by Chaplain Keith Johnson. Pledge of Allegiance to the Flag. Roll Call. All members present. Quorum present.

BILLS AND JOURNALS: 3/4/2011

Correctly printed: **SB 244**, **SB 266**, **HB 38**, **HB 39**, **HB 58**, **HB 65**, **HB 76**, **HB 97**, **HB 101**, **HB 156**, **HB 263**.
Correctly engrossed: **HB 42**.

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Balyeat, Chairman): 3/4/2011
HB 17, be concurred in. Report adopted.
HB 63, be concurred in. Report adopted.
HB 110, be amended as follows:

1. Page 9, line 11.
Following: "business"
Insert: "as required by 39-71-417(4)"

And, as amended, be concurred in. Report adopted.

HB 127, be concurred in. Report adopted.
HB 268, be concurred in. Report adopted.
HB 307, be concurred in. Report adopted.
HB 359, be concurred in. Report adopted.

FISH AND GAME (Brenden, Chairman): 3/4/2011
HB 47, be amended as follows:

1. Title, line 6.
Strike: "DAY"
Insert: "WEEKEND"

2. Page 1, line 30.
Strike: "the first Saturday of June"
Insert: "Father's Day weekend"

3. Page 2, line 2.
Strike: "day"
Insert: "weekend"

4. Page 2.
Following: line 2
Insert: "COORDINATION SECTION. **Section 2. Coordination instruction.** If both Senate Bill No. 124 and [this act] are passed and approved, then [sections 1 and 4 of this act] are void and [this act] must read as follows:

"NEW SECTION. **Section 1. Free fishing weekend.** Each year on Father's Day weekend, a person may fish for any fish within this state without obtaining a fishing license pursuant to this part as long as the person does so in accordance with any other law or regulation of the department in effect on that weekend.

NEW SECTION. **Section 2. Codification instruction.** [Section 1] is intended to be codified as an integral part of Title 87, chapter 2, part 3, and the provisions of Title 87, chapter 2, part 3, apply to [section 1].

NEW SECTION. **Section 3. Effective date.** [This act] is effective on passage and approval."

Insert: "COORDINATION SECTION. **Section 3. Coordination instruction.** If both Senate Bill No. 124 and [this act] are passed and approved, then [section 22] of Senate Bill No. 124 must read as follows:

"NEW SECTION. **Section 22. Hunting, fishing, or trapping without a license.** (1) Except as provided in [section 1 of House Bill No. 47] and subsection (2) of this section, a person may not:

(a) hunt or trap or attempt to hunt or trap any game animal, game bird, or fur-bearing animal or fish for any fish within this state or possess within this state any game animal, game bird, fur-bearing animal, game fish, or parts of those animals or birds except as provided by law or as provided by the department;

(b) hunt or trap or attempt to hunt or trap any game animal, game bird, or fur-bearing animal or fish for any fish, except at the places and during the periods and in the manner established by law or as prescribed by the department;

(c) hunt or trap or attempt to hunt or trap any game animal, game bird, or fur-bearing animal or fish for any fish within this state or possess, sell, purchase, ship, or reship any imported or other fur-bearing animal or parts of fur-bearing animals without first having obtained a proper and valid license or permit from the department to do so;

(d) trap or attempt to trap predatory animals or nongame wildlife without a license, as prescribed in 87-2-603, if that person is not a resident; or

(e) hunt migratory game birds without first having obtained a valid migratory game bird license from the department if the person is 16 years of age or older.

(2) The provisions of this section do not require a person who accompanies a licensed disabled hunter, as authorized under 87-2-803(4), to be licensed in order to kill or attempt to kill a game animal that has been wounded by a disabled hunter when the disabled hunter is unable to pursue and kill the wounded game animal. However, the person must meet the qualifications for a license in the person's state of residence.

(3) A person convicted of a violation of this section shall be fined not less than $50 or more than $1,000 or be imprisoned in the county detention center for not more than 6 months, or both. In addition, the person, upon conviction or forfeiture of bond or bail, may be subject to forfeiture of any current hunting, fishing, or trapping license issued by this state and the privilege to hunt,

fish, or trap in this state or to use state lands, as defined in 77-1-101, for recreational purposes for a period of time set by the court.

(4) A person convicted of hunting without a license may be subject to the additional penalties provided in [sections 63 and 64].

(5) A violation of this section may also result in an order to pay restitution pursuant to [sections 67 through 69]."""

Renumber: subsequent sections

And, as amended, be concurred in. Report adopted.

HIGHWAYS AND TRANSPORTATION (Jones, Chairman): 3/3/2011

HB 187, be amended as follows:

1. Page 1, line 12 through 14.
Strike: "W-BEAM" on line 12 through "MATERIALS" on line 14
Insert: "guardrail posts, fenceposts, and signposts when appropriate and when the cost of wooden materials is less than or equal to the cost of other materials"

2. Page 1, line 19 through line 20.
Strike: "W-BEAM" on line 19 through "MATERIALS" on line 20
Insert: "guardrail posts, fenceposts, and signposts when appropriate and when the cost of wooden materials is less than or equal to the cost of other materials"

3. Page 1, line 26 through line 28.
Strike: "W-BEAM" on line 26 through "MATERIALS" on line 28
Insert: "guardrail posts, fenceposts, signposts, and decking when appropriate and when the cost of wooden materials is less than or equal to the cost of other materials"

And, as amended, be concurred in. Report adopted.

HB 210, be concurred in. Report adopted.

JUDICIARY (Murphy, Chairman): 3/4/2011

HB 71, be concurred in. Report adopted.
HB 96, be concurred in. Report adopted.
HB 106, be concurred in. Report adopted.
HB 114, be concurred in. Report adopted.

TAXATION (Tutvedt, Chairman): 3/4/2011

SB 261, introduced bill, be amended as follows:

1. Title, line 6 through line 7.
Following: "MEET" on line 6
Strike: remainder of line 6 through "TO" on line 7
Insert: "FOR NO MORE THAN"

Following: "80" on line 7
Strike: remainder of line 7

2. Title, line 8.
Following: "DAYS"
Strike: "THAT" through "SESSIONS"

3. Title, line 9 through line 10.
Following: "PERIOD"
Insert: "IN ANNUAL SESSIONS"
Following: ";"
Strike: remainder of line 9 through "SESSION;" on line 10

4. Page 1, line 17.
Following: "session."
Insert: "The legislature shall meet in annual sessions as provided by law."

5. Page 1, line 18 through line 26.
Strike: line 18 through line 26 in their entirety
Renumber: subsequent subsection

6. Page 2, line 1.
Strike: "budget"
Strike: "and regular sessions"

7. Page 2, line 11 and line 12.
Following: "FOR"
Strike: remainder of line 11 through "years" on line 12
Insert: "reducing total legislative days from 90 to 80 to be split between annual sessions as provided by law"

8. Page 2, line 13 and line 14.
Following: "AGAINST"
Strike: remainder of line 13 through "years" on line 14
Insert: "reducing total legislative days from 90 to 80 to be split between annual sessions as provided by law"

And, as amended, do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 3/3/2011

HB 116, introduced by Ingraham
HB 122, introduced by Malek

HB 135, introduced by Squires

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Essmann moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Caferro in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 296 - Senator Tutvedt moved **SB 296** do pass. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 379 - Senator Olson moved **SB 379** do pass. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Gallus, Hinkle, Hutton, Jackson, Jones, Keane, Lake, Lewis, Moore, Mowbray, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Mr. President.
Total 28

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gillan, Hamlett, Hawks, Jent, Kaufmann, Larsen, Moss, Murphy, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SPECIAL ORDERS OF THE DAY

Terry and Judy Fosbury performed three songs on the guitar and fiddle.

SECOND READING (Cont'd)

SB 383 - Senator Jones moved **SB 383** do pass. Motion **failed** as follows:
Yeas: Arthun, Brenden, Brown, Buttrey, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Mr. President.
Total 21

Nays: Augare, Balyeat, Barrett, Blewett, Branae, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke.
Total 29

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 383 - Senator C. Williams moved **SB 383** be **indefinitely postponed**. Motion carried as follows:
Yeas: Augare, Blewett, Branae, Brown, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jent, Kaufmann, Keane, Larsen, Moss, Mowbray, Murphy, Olson, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Wittich, Zinke.
Total 31

Nays: Arthun, Balyeat, Barrett, Brenden, Buttrey, Jackson, Jones, Lake, Lewis, Moore, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Mr. President.
Total 19

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 44 - Senator Facey moved **HB 44** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent,

Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 57 - Senator Tropila moved **HB 57** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Mr. President.
Total 48

Nays: Wittich, Zinke.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 84 - Senator Facey moved **HB 84** be concurred in. Motion carried as follows:
Yeas: Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: Arthun.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HJR 4 - Senator Ripley moved **HJR 4** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Gillan, Hamlett, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tutvedt, Vincent, Walker, Windy Boy, Wittich, Mr. President.
Total 32

Nays: Blewett, Branae, Caferro, Erickson, Facey, Gallus, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Zinke.
Total 18

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HJR 5 - Senator Murphy moved **HJR 5** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Essmann moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Peterson in the chair. Chairman Caferro moved the Committee of the Whole report be adopted. Report adopted as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: Williams.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 19 concurred in as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 244 passed as follows:
Yeas: Arthun, Barrett, Brenden, Brown, Buttrey, Essmann, Hutton, Jackson, Jones, Lake, Lewis, Moore, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Vuckovich, Walker, Wittich, Zinke, Mr. President.
Total 26

Nays: Augare, Balyeat, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Jent, Kaufmann, Keane, Larsen, Moss, Mowbray, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried, Williams, Windy Boy.
Total 24

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 266 passed as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Gallus, Gillan, Hamlett, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tutvedt, Vincent, Vuckovich, Walker, Wanzenried, Wittich, Zinke, Mr. President.
Total 34

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Tropila, Van Dyk, Williams, Windy Boy.
Total 16

Absent or not voting: None.
Total 0

Excused: None.
Total 0

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Essmann moved that the Senate adjourn until 8:00 a.m., Saturday, March 5, 2011. Motion carried.

Senate adjourned at 2:38 p.m.

MARILYN MILLER
Secretary of the Senate

JIM PETERSON
President of the Senate

SENATE JOURNAL
62ND LEGISLATURE
FIFTIETH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
March 5, 2011 — State Capitol

Senate convened at 8:00 a.m. President Peterson presiding. Invocation by Chaplain Keith Johnson. Pledge of Allegiance to the Flag. Roll Call. All members present, except Senators Branae, Gallus, Priest, Stewart-Peregoy, and Vuckovich, excused. Quorum present.

BILLS AND JOURNALS: 3/5/2011

Correctly printed: **SB 296**, **SB 379**, **HB 17**, **HB 44**, **HB 57**, **HB 63**, **HB 71**, **HB 84**, **HB 96**, **HB 106**, **HB 114**, **HB 127**, **HB 210**, **HB 268**, **HB 307**, **HB 359**, **HJR 4**.
Correctly engrossed: **SB 261**, **HB 47**, **HB 110**, **HB 187**, **HJR 5**.

REPORTS OF STANDING COMMITTEES

NATURAL RESOURCES (Barrett, Chairman): 3/4/2011
HB 24, be concurred in. Report adopted.
HJR 6, be concurred in. Report adopted.

STATE ADMINISTRATION (Shockley, Chairman): 3/4/2011
SB 338, introduced bill, be amended as follows:

1. Page 2, line 25.
Following: "the use of"
Strike: "state"
Insert: "public time, facilities, equipment, supplies, personnel, or "

And, as amended, do pass. Report adopted.

HB 119, be concurred in. Report adopted.

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 3/4/2011

SB 31, introduced by Wanzenried
SB 63, introduced by Steinbeisser
SB 78, introduced by Ripley

House bills passed and transmitted to the Senate for concurrence: 3/4/2011

HB 262, introduced by Sands
HB 285, introduced by Harris
HB 370, introduced by Squires

HB 387, introduced by Flynn
HB 428, introduced by Berry

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 296 passed as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Ripley, Shockley, Sonju, Steinbeisser, Tropila, Tutvedt, Van Dyk, Vincent, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 45

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Branae, Gallus, Priest, Stewart-Peregoy, Vuckovich.
Total 5

SB 379 passed as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Gallus, Hinkle, Hutton, Jackson, Jones, Keane, Lake, Lewis, Moore, Mowbray, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 29

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gillan, Hamlett, Hawks, Jent, Kaufmann, Larsen, Moss, Murphy, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 21

Paired: Gallus, Olson, Priest, Zinke, Mr. President, Aye; Branae, Gillan, Stewart-Peregoy, Vuckovich, Williams, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 44 concurred in as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Ripley, Shockley, Sonju, Steinbeisser, Tropila, Tutvedt, Van Dyk, Vincent, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 45

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Branae, Gallus, Priest, Stewart-Peregoy, Vuckovich.
Total 5

HB 57 concurred in as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Walker, Wanzenried, Williams, Windy Boy, Mr. President.
Total 45

Nays: Wittich, Zinke.
Total 2

Paired: Branae, Stewart-Peregoy, Aye; Wittich, Zinke, No.

Absent or not voting: None.
Total 0

Excused: Gallus, Priest, Vuckovich.
Total 3

HB 84 concurred in as follows:
Yeas: Augare, Balyeat, Barrett, Blewett, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 45

Nays: Arthun.
Total 1

Paired: Stewart-Peregoy, Aye; Arthun, No.

Absent or not voting: None.
Total 0

Excused: Branae, Gallus, Priest, Vuckovich.
Total 4

HJR 4 concurred in as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Gillan, Hamlett, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tutvedt, Vincent, Walker, Windy Boy, Wittich, Mr. President.
Total 32

Nays: Blewett, Branae, Caferro, Erickson, Facey, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Tropila, Van Dyk, Wanzenried, Williams, Zinke.
Total 16

Paired: Brown, Priest, Stewart-Peregoy, Aye; Branae, Williams, Zinke, No.

Absent or not voting: None.
Total 0

Excused: Gallus, Vuckovich.
Total 2

HJR 5 concurred in as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Ripley, Shockley, Sonju, Steinbeisser, Tropila, Tutvedt, Van Dyk, Vincent, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 45

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Branae, Gallus, Priest, Stewart-Peregoy, Vuckovich.
Total 5

SPECIAL ORDERS OF THE DAY

Senator Brown thanked the pages for their work during the week of March 1-5, 2011.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Essmann moved that the Senate adjourn until 1:00 p.m., Monday, March 7, 2011. Motion carried.

Senate adjourned at 8:13 a.m.

MARILYN MILLER
Secretary of the Senate

JIM PETERSON
President of the Senate

SENATE JOURNAL
62ND LEGISLATURE
FIFTY-FIRST LEGISLATIVE DAY

Helena, Montana — Senate Chambers
March 7, 2011 — State Capitol

Senate convened at 1:00 p.m. President Peterson presiding. Invocation by Chaplain Keith Johnson. Pledge of Allegiance to the Flag. Roll Call. All members present, except Senator Vuckovich, excused. Quorum present.

SPECIAL ORDERS OF THE DAY

The Hobson High School Choir performed three songs.

BILLS AND JOURNALS: 3/7/2011

Correctly printed: **HB 24**, **HB 119**, **HJR 6**.
Correctly engrossed: **SB 338**.
Correctly enrolled: **SB 21**, **SB 27**, **SB 31**, **SB 63**, **SB 78**.
Examined by the sponsor and found to be correct: **SB 21**, **SB 27**, **SB 31**, **SB 63**, **SB 78**.

LEGISLATIVE ADMINISTRATION (Brown, Chairman): 3/7/2011
MR. PRESIDENT:
We, your committee on Legislative Administration recommend that employment of the following attaches of the Senate be terminated as of 9:00 a.m., Saturday, March 5, 2011:

TITLE	NAME
Pages:	Austin McCleary, Hardin
	McKenzie Chambers, Montana City
	Gwen Good Luck, Crow Agency
	Cassie Hintz, Missoula
	Cierra Dauenhauer, Butte

and recommend that the following attaches of the Senate be employed as of 8:00 a.m., Monday, March 7, 2011:

TITLE	NAME
Pages:	Phillip Griffin, Billings
	Ryan Halligan, Missoula
	Colter Mahlum, Big Fork
	Jackson Mahlum, Missoula
	Angella Molvig, Glasgow
	Bailey Stahl, Forsyth

Report Adopted.

REPORTS OF STANDING COMMITTEES

JUDICIARY (Murphy, Chairman): 3/7/2011
HB 126, be amended as follows:

1. Page 3, line 6.
Strike: "or"
Insert: "and"

2. Page 3, line 8.
Strike: "AN OFFENSE"
Insert: "all offenses"

And, as amended, be concurred in. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 3/5/2011

HB 195, introduced by Rosendale
HB 372, introduced by Washburn
HB 449, introduced by Blasdel
HB 460, introduced by K. Peterson

Senate bills concurred in and returned to the Senate: 3/5/2011

SB 21, introduced by Shockley
SB 27, introduced by Kaufmann

Senate bill concurred in as amended and returned to the Senate for concurrence in House amendments:
3/5/2011
SB 19, introduced by Shockley

FIRST READING AND COMMITMENT OF BILLS

The following Senate bill was introduced, read first time, and referred to committee:

SB 394, introduced by Olson, referred to Energy and Telecommunications.

The following Senate joint resolution was introduced, read first time, and referred to committee:

SJR 16, introduced by Facey, Larsen, referred to Highways and Transportation.

The following House bills were introduced, read first time, and referred to committees:

HB 116, introduced by Ingraham (by request of the Teachers' Retirement Board), referred to State Administration.
HB 122, introduced by Malek (by request of the Public Employees' Retirement Board), referred to State Administration.
HB 135, introduced by Squires (by request of the Public Employees' Retirement Board), referred to State Administration.
HB 195, introduced by Rosendale, referred to Highways and Transportation.
HB 262, introduced by Sands, Welborn, Gillan, referred to Finance and Claims.
HB 285, introduced by Harris, referred to Fish and Game.
HB 370, introduced by Squires, referred to Fish and Game.
HB 372, introduced by Washburn, referred to Fish and Game.
HB 387, introduced by Flynn, Greef, Knudsen, Welborn, referred to Fish and Game.
HB 428, introduced by Berry, Olson, referred to Business, Labor, and Economic Affairs.
HB 449, introduced by Blasdel, referred to Fish and Game.
HB 460, introduced by K. Peterson, referred to Taxation.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Essmann moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Buttrey in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 39 - Senator Buttrey moved consideration of **HB 39** be placed at the bottom of the second reading board. Motion carried.

SB 261 - Senator Essmann moved **SB 261** do pass. Motion carried as follows:
Yeas: Arthun, Augare, Barrett, Branae, Brenden, Brown, Buttrey, Caferro, Essmann, Gallus, Gillan, Hutton, Jones, Kaufmann, Lake, Larsen, Lewis, Moore, Mowbray, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tutvedt, Vincent, Walker, Williams, Wittich, Zinke, Mr. President.
Total 33

Nays: Balyeat, Blewett, Erickson, Facey, Hamlett, Hawks, Hinkle, Jackson, Jent, Keane, Moss, Murphy, Tropila, Van Dyk, Wanzenried, Windy Boy.
Total 16

Absent or not voting: None.
Total 0

Excused: Vuckovich.
Total 1

HB 42 - Senator Keane moved consideration of **HB 42** be passed for the day. Motion carried.

HB 38 - Senator Zinke moved **HB 38** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Vuckovich.
Total 1

HB 76 - Senator Wanzenried moved **HB 76** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Vuckovich.
Total 1

HB 97 - Senator Shockley moved consideration of **HB 97** be placed at the bottom of the second reading board. Motion carried.

HB 101 - Senator Steinbeisser moved **HB 101** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent,

Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Vuckovich.
Total 1

HB 97 - Senator Shockley moved **HB 97** be concurred in. Motion carried as follows:
Yeas: Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 47

Nays: Arthun, Ripley.
Total 2

Absent or not voting: None.
Total 0

Excused: Vuckovich.
Total 1

Senator Sonju assumed the chair.

HB 39 - Senator Buttrey moved **HB 39** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 47

Nays: Balyeat, Hinkle.
Total 2

0Absent or not voting: None.
Total 0

Excused: Vuckovich.
Total 1

Senator Essmann moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Peterson in the chair. Chairman Buttrey moved the Committee of the Whole report be adopted. Report adopted as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Vuckovich.
Total 1

SPECIAL ORDERS OF THE DAY

Sen. Brown introduced the pages for the week of May 7-12, 2011.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Essmann moved that the Senate adjourn until 1:00 p.m., Tuesday, March 8, 2011. Motion carried.

Senate adjourned at 2:40 p.m.

MARILYN MILLER
Secretary of the Senate

JIM PETERSON
President of the Senate

SENATE JOURNAL
62ND LEGISLATURE
FIFTY-SECOND LEGISLATIVE DAY

Helena, Montana — Senate Chambers
March 8, 2011 — State Capitol

Senate convened at 1:00 p.m. President Peterson presiding. Invocation by Chaplain Keith Johnson. Pledge of Allegiance to the Flag. Roll Call. All members present. Quorum present.

BILLS AND JOURNALS: 3/8/2011

Correctly printed: **SB 261**, **HB 38**, **HB 39**, **HB 76**, **HB 97**, **HB 101**.
Correctly engrossed: **HB 126**.
Signed by the President at 4:30 p.m., March 7, 2011: **SB 21**, **SB 27**, **SB 31**, **SB 63**, **SB 78**.
Signed by the Secretary of the Senate at 3:14 p.m., March 7, 2011: **SB 21**, **SB 27**, **SB 31**, **SB 63**, **SB 78**.

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Balyeat, Chairman): 3/8/2011
HB 29, be amended as follows:

1. Page 3, line 26.
Strike: "OVERSEAS"
Insert: "in support of a contingency operation as defined in 10 U.S.C. 101(a)(13)"

And, as amended, be concurred in. Report adopted.

HB 94, be amended as follows:

1. Page 6, lines 27 through 28.
Strike: "**on administration**" on line 27 through "**involving**" on line 28
Insert: "**regarding deep sedation or**"

2. Page 6, line 28 through page 7, line 19.
Strike: subsections (1) and (2) in their entirety
Renumber: subsequent subsections

3. Page 7, line 23.
Following: "~~board~~"
Insert: "trained"

4. Page 7, lines 25 through 30.
Strike: subsection (4) in its entirety
Renumber: subsequent subsection

5. Page 8, line 1.
Following: "which"
Insert: "deep sedation or"

6. Page 8, line 3.
Following: "under"
Insert: "deep sedation or"
Following: "from"
Insert: "deep sedation or"

7. Page 8, line 27.
Following: "~~:~~"
Insert: ":"

8. Page 8, line 28.
Following: "~~(a)~~"
Insert: "(a)"

9. Page 8, line 29.
Strike: "and:"
Insert: ";"

10. Page 8, line 30.
Strike: "(a) (i)"
Insert: "(b)"

11. Page 9, line 2.
Strike: "or"

12. Page 9, line 3.
Strike: "(ii)"
Insert: "(c)"
Following: "practice for"
Strike: "3"
Insert: "12"

13. Page 9, line 4.
Strike: "years immediately"
Insert: "months"

14. Page 9, line 5.
Strike: "(b)"
Insert: "(d)"

And, as amended, be concurred in. Report adopted.

HB 118, be concurred in. Report adopted.
HB 419, be concurred in. Report adopted.

EDUCATION AND CULTURAL RESOURCES (Zinke, Chairman): 3/7/2011
HB 288, be concurred in. Report adopted.
HB 327, be amended as follows:

1. Title, line 13.
Following: "~~BALLOTS;~~"
Insert: "ELIMINATING REFERENCE TO AN INTEREST RATE ON SCHOOL DISTRICT BOND ELECTION BALLOTS;"

2. Title, line 14.
Following: "~~20-9-427,~~"
Insert: "20-9-426, 20-9-427,"

3. Page 5, line 5.
Insert: "Section 6. Section 20-9-426, MCA, is amended to read:

"20-9-426. Preparation and form of ballots for bond election. (1) The school district shall cause ballots to be prepared for all bond elections, and whenever bonds for more than one purpose are to be voted upon at the same election, separate ballots must be prepared for each purpose.

(2) For bond elections that are not held in conjunction with a school election, the ballots for absentee voting must be printed and made available at least 30 days before the bond election.

(3) All ballots must be substantially in the following form:

OFFICIAL BALLOT

SCHOOL DISTRICT BOND ELECTION

INSTRUCTIONS TO VOTERS: Make an X or similar mark in the vacant square before the words "BONDS--YES" if you wish to vote for the bond issue; if you are opposed to the bond issue, make an X or similar mark in the square before the words "BONDS--NO".

Shall the board of trustees be authorized to issue and sell (state type of bonds here: general obligation or impact aid revenue) bonds of this school district in the amount of _____ dollars ($ ____), ~~bearing interest at a rate not more than _____ percent (____%) a year,~~ payable semiannually, during a period not more than ____ years, for the purpose _____ (here state the purpose the same way as in the notice of election)?

[] BONDS -- YES.
[] BONDS -- NO.""

Insert: "Section 7. Section 20-9-427, MCA, is amended to read:

"20-9-427. Notice of bond election by separate purpose. (1) A school district bond election must be conducted in accordance with the school election provisions of this title, except that the election notice must be in substantially the following form:

NOTICE OF SCHOOL DISTRICT BOND ELECTION

Notice is hereby given by the trustees of School District No. _____ of _____ County, state of Montana, that pursuant to a certain resolution adopted at a meeting of the board of trustees of the school district held on the _____ day of _____,____, an election of the registered electors of School District No. _____ of _____ County, state of Montana, will be held on the _____ day of _____,____, at _____ for the purpose of voting upon the question of whether or not the trustees may issue and sell (state here: general obligation or impact aid revenue) bonds of the school district in the amount of _____ dollars ($ _____), ~~bearing interest at a rate not more than _____ percent (_____%) a year,~~ payable semiannually, for the purpose of _____ (here state purpose). The bonds to be issued will be payable in installments over a period not exceeding _____ (state number) years.

The polls will be open from _____ o'clock __m. and until _____ o'clock __m. of the election day.

Dated and posted this _____ day of _____,____.

_____
Presiding officer, School District No. _____
of _____ County
Address _____

(2) If the bonds proposed to be issued are for more than one purpose, then each purpose must be separately stated in the notice, together with the proposed amount of bonds for each purpose.

(3) The notice must specify whether the bonds will be general obligation bonds or impact aid revenue bonds.""

Renumber: subsequent sections

And, as amended, be concurred in. Report adopted.

HB 356, be concurred in. Report adopted.

FINANCE AND CLAIMS (Lewis, Chairman): 3/8/2011
SB 81, do pass. Report adopted.
HB 93, be concurred in. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Priest, Chairman): 3/7/2011
HB 82, be amended as follows:

1. Page 5, line 7.
Following: "INSTRUCTION."
Insert: "(1)"

2. Page 5, line 9.
Insert: "(2) If House Bill No. 175 is passed by the electorate in 2012, then [this act] is void on [the effective date of House Bill No. 175]."

And, as amended, be concurred in. Report adopted.

HB 191, be amended as follows:

1. Page 2, line 21.
Following: "(2)"
Insert: "(a)"

2. Page 2, line 22.
Following: "~~:~~"
Insert: ":"

3. Page 2, line 23.
Following: "~~(a)~~
Insert: "(i)"

4. Page 2, line 26.
Following: "~~department~~"

Insert: "; and (ii) prior to each operation, shall register with the local health officer or sanitarian on forms provided by the department"

5. Page 2, line 27.
Following: line 26

Insert: "(b) Nonprofit organizations or persons selling baked goods or preserves exclusively for a charitable community purpose are exempt from registration if they notify the local health officer or sanitarian, by phone or in person, before the event. The notification required is limited to the date and time of the event, items planned to be sold, and an estimate of the number of people expected to be served at the event."

And, as amended, be concurred in. Report adopted.

STATE ADMINISTRATION (Shockley, Chairman): 3/7/2011
HB 23, be concurred in. Report adopted.
HB 53, be concurred in. Report adopted.
HB 64, be concurred in. Report adopted.

MESSAGES FROM THE OTHER HOUSE

Senate bill not concurred in and returned to the Senate: 3/4/2011

SB 23, introduced by Blewett

MOTIONS

Senator Keane moved **HB 42** be passed until March 14, 2011. Without objection, so ordered.

Senator Moss raised a point of personal privilege regarding a comment made by a Representative in Senate Judiciary committee.

Senator Hamlett moved that **HB 24** be passed for the day. Without objection, so ordered.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Essmann moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Hamlett in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 207 - Senator Moore moved **SB 207** do pass.

SB 207 - Senator Stewart-Peregoy moved **SB 207**, second reading copy, be amended as follows:

1. Page 7.
Following: line 5
Insert: "NEW SECTION. **Section 9. Notification to tribal governments.** The secretary of state shall send a copy of [this act] to each tribal government located on the seven Montana reservations and to the Little Shell Chippewa tribe."
Renumber: subsequent sections

Amendment adopted as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 207 - Senator Moore moved **SB 207**, as amended, do pass. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Facey, Gallus, Hamlett, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Vuckovich, Walker, Wanzenried, Wittich, Zinke, Mr. President.
Total 34

Nays: Augare, Blewett, Branae, Caferro, Erickson, Gillan, Hawks, Jent, Kaufmann, Keane, Larsen, Stewart-Peregoy, Tropila, Van Dyk, Williams, Windy Boy.
Total 16

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 17 - Senator Vuckovich moved **HB 17** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brenden, Brown, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Williams, Wittich, Zinke, Mr. President.
Total 45

Nays: Balyeat, Buttrey, Sonju, Vincent, Windy Boy.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 58 - Senator Larsen moved **HB 58** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: Gallus.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 63 - Senator Facey moved **HB 63** be concurred in.

HB 63 - Senator Facey moved **HB 63**, second reading copy, be amended as follows:

1. Page 4, line 9 through line 12.
Strike: "Organizations" on line 9 through "beverages." on line 12

Amendment adopted as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 63 - Senator Facey moved **HB 63**, as amended, be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Wittich, Zinke, Mr. President.
Total 49

Nays: Windy Boy.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 114 - Senator Moss moved **HB 114** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 156 - Senator Shockley moved **HB 156** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 210 - Senator Buttrey moved **HB 210** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent,

Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 263 - Senator Olson moved **HB 263** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 48

Nays: Van Dyk, Wittich.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 359 - Senator Tutvedt moved **HB 359** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Walker, Wanzenried, Williams, Zinke, Mr. President.
Total 47

Nays: Vuckovich, Windy Boy, Wittich.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Essmann moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Peterson in the chair. Chairman Hamlett moved the Committee of the Whole report be adopted. Report adopted as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 261 passed as follows:

Yeas: Arthun, Augare, Barrett, Brenden, Brown, Buttrey, Caferro, Essmann, Gallus, Gillan, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tutvedt, Vincent, Walker, Williams, Wittich, Zinke, Mr. President.
Total 31

Nays: Balyeat, Blewett, Branae, Erickson, Facey, Hamlett, Hawks, Hinkle, Jent, Kaufmann, Keane, Larsen, Moss, Murphy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 19

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 38 concurred in as follows:
Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann,

Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 46

Nays: Balyeat, Hinkle, Sonju, Wittich.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 39 concurred in as follows:
Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 47

Nays: Balyeat, Gallus, Hinkle.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 76 concurred in as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 97 concurred in as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 101 concurred in as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 46

Nays: Gallus, Sonju, Tutvedt, Wittich.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Essmann moved that the Senate adjourn until 1:00 p.m., Wednesday, March 9, 2011. Motion carried.

Senate adjourned at 1:53 p.m.

MARILYN MILLER
Secretary of the Senate

JIM PETERSON
President of the Senate

SENATE JOURNAL
62ND LEGISLATURE
FIFTY-THIRD LEGISLATIVE DAY

Helena, Montana — Senate Chambers
March 9, 2011 — State Capitol

Senate convened at 1:00 p.m. President Peterson presiding. Invocation by Chaplain Keith Johnson. Pledge of Allegiance to the Flag. Roll Call. All members present, except Senator Gillan, excused. Quorum present.

Senator Gillan present.

SPECIAL ORDERS OF THE DAY

A JOINT PROCLAMATION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA
Honoring Registered Dietitians

March 9, 2011

WHEREAS, Registered Dietitians are the food and nutrition experts who can translate the science of nutrition into practical solutions for healthy living; and

WHEREAS, Registered Dietitians have degrees in nutrition, dietetics, public health or a related field from well-respected, accredited colleges and universities, completed an internship and passed an examination; and

WHEREAS, Registered Dietitians use their nutrition expertise to help individuals make unique, positive lifestyle changes; and

WHEREAS, Registered Dietitians work throughout the community in hospitals, schools, public health clinics, nursing homes, fitness centers, food management, food industry, universities, research and private practice; and

WHEREAS, Registered Dietitians are advocates for advancing the nutritional status of Americans and people around the world.

NOW THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE STATE OF MONTANA, we do hereby proclaim Wednesday, March 9, 2011 as "Registered Dietitian Day." That all citizens are encouraged to recognize the contributions of Registered Dietitians and express appreciation for their commitment to promoting science-based nutrition in the hope of achieving optimum health for both today and tomorrow.

President of Senate — Speaker of the House
Jim Peterson — Mike Milburn

Senate Minority Leader
Carol Williams

House Minority Leader
Jon Sesso

BILLS AND JOURNALS: 3/9/2011

Correctly printed: **SB 81**, **HB 17**, **HB 23**, **HB 53**, **HB 58**, **HB 64**, **HB 93**, **HB 114**, **HB 118**, **HB 210**, **HB 288**, **HB 356**, **HB 419**.
Correctly engrossed: **SB 207**, **HB 29**, **HB 63**, **HB 82**, **HB 94**, **HB 156**, **HB 191**, **HB 263**, **HB 327**, **HB 359**.
Delivered to the Governor for approval at 2:45 p.m., March 8, 2011: **SB 21**, **SB 27**, **SB 31**, **SB 63**, **SB 78**.
Signed by the Speaker at 7:45 p.m., March 7, 2011: **SB 21**, **SB 27**, **SB 31**, **SB 63**, **SB 78**.

REPORTS OF STANDING COMMITTEES

AGRICULTURE, LIVESTOCK AND IRRIGATION (Steinbeisser, Chairman): 3/8/2011
SB 381, introduced bill, be amended as follows:

1. Title, page 1, line 8.
Strike: "CREATING A ROYALTY ADVISORY BOARD;"

2. Page 1.
Following: line 14
Insert: "(1) "Commission" means the public service commission as provided in Title 69, chapter 1, part 1."
Renumber: subsequent subsections

3. Page 1, line 19.
Following: "recovered by a"
Insert: "Montana"

4. Page 1, line 20.
Following: "facility"
Insert: "that is not a federal power marketing agency or a utility qualifying as an electric cooperative pursuant to Title 35, chapter 18,"

5. Page 1, line 25 through line 26.
Strike: "For" on line 25 through "energy, the" on line 26
Insert: "The"

6. Page 1, line 27.
Strike: "property subject to an easement or right-of-way for the operation of"
Insert: "land upon which"
Following: "line"
Insert: "is constructed"

7. Page 1, line 28.
Following: "line."
Insert: "The royalty must be based on the number of insertion points on each landowner's property."

8. Page 1, line 29.
Strike: "pay an amount"
Insert: "compute an insertion point royalty value that is"
Strike: "operating"
Insert: "annual"
Strike: "generated"
Insert: "received"
Following: "by"
Insert: "the owner or operator of"

9. Page 1, line 30 through page 2, line 2.
Strike: "during each" on page 1, line 30
Insert: "in the prior"
Strike: "and shall" on line 30 through "3]." on page 2, line 2.
Insert: "divided by the total number of insertion points on the line regardless of whether the insertion points are located within or outside the state."

10. Page 2, line 3.
Following: "(2)"
Insert: "(a)"

11. Page 2, line 4.
Following: "upon"
Insert: "the insertion point royalty value multiplied by"

12. Page 2, line 4 through line 7.
Strike: "The" on line 4 through "year." on line 7

13. Page 2.
Following: line 9
Insert: "(b) The owner or operator is entitled to offset against any royalties otherwise due a landowner under this section any annual payments made to the landowner, or the landowner's predecessor in interest, in the prior calendar year, under an easement agreement, right-of-way agreement, or similar agreement, relating to the construction of the line on the landowner's property.

(3) (a) The owner or operator shall pay an amount equal to 0.05% of the total gross annual revenue received on each merchant transmission line to the commission for deposit in the state general fund for the administration of [sections 1 through 3].

(b) The owner or operator of each merchant transmission line shall file with the commission a report listing the names of all property owners with insertion points on their property, the location

of the property, and the number of insertion points on the property in the manner prescribed by the commission."

14. Page 2, line 10 through line 15.
Strike: subsection (3) in its entirety

15. Page 2, line 17 through page 3, line 6.
Strike: section 3 in its entirety
Insert: "NEW SECTION. **Section 3. Complaint against merchant line.** (1) A landowner who may be entitled to a royalty payment under [sections 1 through 3] who alleges the nonpayment or underpayment of royalties due under [sections 1 through 3] may institute a contested case proceeding before the commission for purposes of challenging the sufficiency of the royalty payment. The complaint before the commission, and any subsequent court enforcement of the commission's order, is the landowner's exclusive remedy for the underpayment or nonpayment of royalties.

(2) Upon receipt of a complaint from a landowner under this section, the commission shall determine if the royalty payment being challenged was correctly computed and paid in accordance with [sections 1 through 3]. The commission's determination is binding upon all parties to the proceeding unless successfully challenged in a petition for judicial review.

(3) A landowner may not file a complaint with the commission under [sections 1 through 3] more than 3 calendar years after the payment being challenged was due."

And, as amended, do pass. Report adopted.

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Balyeat, Chairman): 3/9/2011
HB 125, be concurred in. Report adopted.

ENERGY AND TELECOMMUNICATIONS (Olson, Chairman): 3/8/2011
HB 92, be concurred in. Report adopted.
HB 169, be concurred in. Report adopted.
HB 233, be concurred in. Report adopted.

FINANCE AND CLAIMS (Lewis, Chairman): 3/9/2011
SB 237, introduced bill, be amended as follows:

1. Page 2, line 8.
Strike: "not"
Following: "costs"
Insert: "after all other funds appropriated to the department for the payment of testing costs have been expended"

And, as amended, do pass. Report adopted.

SB 299, introduced bill, be amended as follows:

1. Title, line 7.
Following: "NAVIGABLE";"
Insert: "PROVIDING RULEMAKING AUTHORITY;"

2. Page 1, line 12.
Following: "(1)"
Insert: "(a)"

3. Page 1, line 18.
Following: line 17
Insert: "(b) Within 6 months of the sudden change, the affected owners shall provide the department of natural resources and conservation and the department of revenue with a land survey and any other information required by either agency to verify the sudden change and update the applicable ownership records.

(c) The department of natural resources and conservation and the department of revenue may adopt rules to implement the provisions of this section."

And, as amended, do pass. Report adopted.

SB 385, do pass. Report adopted.
HB 49, be amended as follows:

1. Title, page 1, line 7.
Following: "RESERVATION"
Insert: "AND FOR BOND ISSUANCE COSTS"

2. Page 1, line 20.
Strike: "$16"
Insert: "$16.15"
Following: "million"
Insert: ", of which $16 million is"

3. Page 1, line 22.
Following: "85-20-1505"
Insert: "and no more than $150,000 is to pay bond issuance costs"

4. Page 1, line 23.
Following: "(2)"
Strike: "The"
Insert: "(a) Except as provided in subsection (2)(b), the"

5. Page 1, following line 24.
Insert: "(b) The proceeds to pay bond issuance costs must be deposited into a state special

revenue account."

And, as amended, be concurred in. Report adopted.

HB 79, be concurred in. Report adopted.
HB 81, be concurred in. Report adopted.
HB 252, be concurred in. Report adopted.
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HIGHWAYS AND TRANSPORTATION (Jones, Chairman): 3/8/2011
HB 171, be amended as follows:

1. Page 5, line 8.
Following: line 7
Insert: "COORDINATION SECTION. **Section 2. Coordination instruction.** If both Senate Bill No. 49 and [this act] are passed and approved, then Senate Bill No. 49 is void."
Renumber: subsequent sections

And, as amended, be concurred in. Report adopted.

HB 178, be amended as follows:

1. Title, page 1, line 8 through line 10.
Following: "CARD;"
Strike: "ESTABLISHING" on line 8 through "LESS;" on line 10

2. Title, page 1, line 13.
Strike: "61-5-111, 61-5-121,"

3. Page 2, line 26 through page 7, line 2.
Strike: sections 2 and 3 in their entirety
Renumber: subsequent sections

4. Page 7, line 20 through line 25.
Strike: "(a)" on line 20 through "subsection (1)(a)." on line 25
Insert: "Fees not in excess of $8 for identification cards issued pursuant to this part must be collected and deposited in the general fund."

5. Page 7, line 26.
Strike: "(c)"
Insert: "(2)"
Renumber: subsequent subsections

6. Page 7, line 29.
Strike: subsection (d) in its entirety

7. Page 7, line 30.
Strike: "Except" through "an"
Insert: "An"

And, as amended, be concurred in. Report adopted.

HB 213, be amended as follows:

1. Page 9, line 17.
Strike: "25"
Insert: "40"

2. Page 24, line 29.
Strike: "$53.25"
Insert: "$25"

3. Page 25, line 1.
Strike: "$53.25"
Insert: "$25"

And, as amended, be concurred in. Report adopted.

JUDICIARY (Murphy, Chairman): 3/9/2011
HB 12, be concurred in. Report adopted.
HB 69, be amended as follows:

1. Page 1, line 17.
Following: "and"
Strike: "the imprisonment"
Insert: "any"
Following: the second "sentence"
Insert: "subsequently imposed"

And, as amended, be concurred in. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 3/8/2011

HB 333, introduced by Reichner
HB 529, introduced by Stahl

Senate amendments to House bills concurred in: 3/8/2011

HB 19, introduced by Sands

HB 182, introduced by Arntzen

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 395, introduced by Wittich, referred to Taxation.
SB 396, introduced by Gillan, Facey, referred to Taxation.
SB 397, introduced by Kaufmann, referred to State Administration.
SB 398, introduced by Kaufmann, referred to Taxation.
SB 399, introduced by Kaufmann, referred to Taxation.

The following House bills were introduced, read first time, and referred to committees:

HB 333, introduced by Reichner, Blasdel, Taylor, Stahl, Brodehl, Milburn, referred to Taxation.
HB 529, introduced by Stahl, referred to Local Government.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Essmann moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Brenden in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 24 - Senator Hamlett moved **HB 24** be concurred in. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Wanzenried, Williams, Wittich, Zinke, Mr. President.
Total 43

Nays: Augare, Caferro, Erickson, Kaufmann, Stewart-Peregoy, Van Dyk, Windy Boy.
Total 7

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 47 - Senator Balyeat moved **HB 47** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro,

Erickson, Essmann, Facey, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Lewis, Moss, Mowbray, Murphy, Olson, Priest, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Mr. President.
Total 44

Nays: Gallus, Larsen, Moore, Ripley, Tutvedt, Zinke.
Total 6

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 65 - Senator Blewett moved **HB 65** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 96 - Senator Shockley moved **HB 96** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 126 - Senator Larsen moved **HB 126** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 187 - Senator Mowbray moved **HB 187** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 268 - Senator Steinbeisser moved **HB 268** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: Erickson.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 307 - Senator Moore moved **HB 307** be concurred in. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Facey, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tropila, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 30

Nays: Augare, Blewett, Branae, Caferro, Erickson, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Essmann moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Peterson in the chair. Chairman Brenden moved the Committee of the Whole report be adopted. Report adopted as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Williams, Wittich, Zinke, Mr. President.
Total 47

Nays: Kaufmann, Wanzenried, Windy Boy.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 17 concurred in as follows:
Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brenden, Brown, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Murphy, Olson, Priest, Ripley, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Zinke, Mr. President.
Total 39

Nays: Balyeat, Buttrey, Hinkle, Hutton, Mowbray, Sonju, Tutvedt, Vincent, Walker, Windy Boy, Wittich.
Total 11

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 58 concurred in as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 114 concurred in as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.

Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 156 concurred in as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Wittich, Zinke, Mr. President.
Total 47

Nays: Lake, Tutvedt, Windy Boy.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 210 concurred in as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 263 concurred in as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Mr. President.
Total 48

Nays: Wittich, Zinke.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 359 concurred in as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

MOTIONS

Senator Olson moved **SB 362** be moved from the Public Health, Welfare and Safety committee and placed on Second Reading on Friday, March 11, 2011.

Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brenden, Brown, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jent, Kaufmann, Keane, Lake, Larsen, Moss, Mowbray, Olson, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Mr. President.
Total 34

Nays: Balyeat, Buttrey, Essmann, Hinkle, Jackson, Jones, Lewis, Moore, Murphy, Priest, Ripley, Sonju, Vincent, Walker, Wittich, Zinke.
Total 16

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Wanzenried asked whether bills that are referred from the Committee of the Whole to the Finance and Claims committee would be placed on Second Reading when they are referred out of committee. Senator Lewis and President Peterson agreed that would be the procedure.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Essmann moved that the Senate adjourn until 1:00 p.m., Thursday, March 10, 2011. Motion carried.

Senate adjourned at 2:07 p.m.

MARILYN MILLER
Secretary of the Senate

JIM PETERSON
President of the Senate

SENATE JOURNAL
62ND LEGISLATURE
FIFTY-FOURTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
March 10, 2011 — State Capitol

Senate convened at 1:00 p.m. President Peterson presiding. Invocation by Chaplain Keith Johnson. Pledge of Allegiance to the Flag. Roll Call. All members present, except Senators Blewett, Gallus, and Hutton, excused. Quorum present.

Senator Gallus present.
Senator Blewett present.

Senator Hawks rose on a point of personal privilege regarding a misstatement he made regarding **HB 307**.

BILLS AND JOURNALS: 3/10/2011

Correctly printed: **SB 362**, **SB 385**, **HB 12**, **HB 24**, **HB 47**, **HB 65**, **HB 79**, **HB 81**, **HB 92**, **HB 96**, **HB 126**, **HB 169**, **HB 187**, **HB 233**, **HB 252**, **HB 307**.
Correctly engrossed: **SB 237**, **SB 299**, **SB 381**, **HB 49**, **HB 69**, **HB 171**, **HB 178**, **HB 213**, **HB 268**.
Correctly enrolled: **SB 26**, **SB 41**, **SB 46**, **SB 51**, **SB 53**, **SB 60**, **SB 62**, **SB 65**.
Examined by the sponsor and found to be correct: **SB 26**, **SB 41**, **SB 46**, **SB 51**, **SB 53**, **SB 60**, **SB 62**, **SB 65**.

Mr. President: We, your committee on Bills and Journals, having examined the daily journals for the thirty-sixth, thirty-seventh, thirty-eighth, thirty-ninth, and fortieth legislative days, find the same to be correct.

Senator Brown, Chair

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Balyeat, Chairman): 3/9/2011
HB 125, be amended as follows:

1. Title, page 1, line 15.
Following: "15-31-130,"
Insert: "30-10-115, 30-10-209,"

2. Page 2.
Following: line 8
Insert: "Section 3. Section 30-10-115, MCA, is amended to read:

"30-10-115. Deposits to general fund -- exception. (1) All fees and miscellaneous charges received by the commissioner pursuant to parts 1 through 3 of this chapter, except for ~~portfolio~~ notice filing fees described in 30-10-209(1)(d) and examination costs collected under 30-10-210, must be deposited in the general fund.

(2) All ~~portfolio~~ notice filing fees collected under 30-10-209(1)(d) and examination costs collected under 30-10-210 must be deposited in the state special revenue fund in an account to the credit of the state auditor's office. The funds allocated by this section to the state special revenue

account may ~~only~~ be used only to defray the expenses of the state auditor's office in discharging its administrative and regulatory powers and duties in relation to ~~portfolio~~ notice filing under 33-10-209(1)(d) and examinations. Any excess fees must be deposited in the general fund.""

Insert: "Section 4. Section 30-10-209, MCA, is amended to read:

"30-10-209. Fees. The following fees must be paid in advance under the provisions of parts 1 through 3 of this chapter:

(1) (a) For the registration of securities by notification, coordination, or qualification~~,~~ or for notice filing of a federal covered security, there must be paid to the commissioner for the initial year of registration or notice filing a fee of $200 for the first $100,000 of initial issue or portion of the first $100,000 in this state, based on offering price, plus 1/10 of 1% for any excess over $100,000, with a maximum fee of $1,000.

(b) Each succeeding year, a registration of securities or a notice filing of a federal covered security may be renewed, prior to its termination date, for an additional year upon consent of the commissioner and payment of a renewal fee to be computed at 1/10 of 1% of the aggregate offering price of the securities that are to be offered in this state during that year. The renewal fee may not be less than $200 or more than $1,000. The registration or the notice filing may be amended to increase the amount of securities to be offered.

(c) If a registrant or issuer of federal covered securities sells securities in excess of the aggregate amount registered for sale in this state~~,~~ or for which a notice filing has been submitted, the registrant or issuer may file an amendment to the registration statement or notice filing to include the excess sales. If the registrant or issuer of a federal covered security fails to file an amendment before the expiration date of the registration order or notice, the registrant or issuer shall pay a filing fee for the excess sales of three times the amount calculated in the manner specified in subsection (1)(b). Registration or notice of the excess securities is effective retroactively to the date of the existing registration or notice.

(d) Each series, portfolio, or other subdivision of an investment company or similar issuer is treated as a separate issuer of securities. The issuer shall pay a ~~portfolio~~ notice filing fee to be calculated as provided in subsections (1)(a) through (1)(c). The ~~portfolio~~ notice filing fee collected by the commissioner must be deposited in the state special revenue account provided for in 30-10-115. The issuer shall pay a fee of $50 for each filing made for the purpose of changing the name of a series, portfolio, or other subdivision of an investment company or similar issuer.

(2) (a) For registration of a broker-dealer or investment adviser, the fee is $200 for original registration and $200 for each annual renewal.

(b) For registration of a salesperson or investment adviser representative, the fee is $50 for original registration with each employer, $50 for each annual renewal, and $50 for each transfer. A salesperson who is registered as an investment adviser representative with a broker-dealer registered as an investment adviser is not required to pay the $50 fee to register as an investment adviser representative.

(c) For a federal covered adviser, the fee is $200 for the initial notice filing and $200 for each annual renewal.

(3) For certified or uncertified copies of any documents filed with the commissioner, the fee is the cost to the department.

(4) For a request for an exemption under 30-10-105(15), the fee must be established by the commissioner by rule. For a request for any other exemption or an exception to the provisions of parts 1 through 3 of this chapter, the fee is $50.

(5) All fees are considered fully earned when received. In the event of overpayment, only those amounts in excess of $10 may be refunded.

(6) Except for ~~portfolio~~ notice filing fees established in ~~this section~~ subsection (1)(d) and examination costs collected under 30-10-210, all fees, miscellaneous charges, fines, and penalties collected by the commissioner pursuant to parts 1 through 3 of this chapter and the rules adopted under parts 1 through 3 of this chapter must be deposited in the general fund.""

Renumber: subsequent sections

3. Page 15, line 12.
Following: "plan""
Strike: remainder of line 12
Insert: "means health insurance coverage offered in connection with a group health plan or health insurance coverage offered to an eligible group as described in 33-22-501."

And, as amended, be concurred in. Report adopted.

FINANCE AND CLAIMS (Lewis, Chairman): 3/10/2011
SB 347, do pass. Report adopted.

LOCAL GOVERNMENT (Sonju, Chairman): 3/9/2011
HB 62, be concurred in. Report adopted.

STATE ADMINISTRATION (Shockley, Chairman): 3/9/2011
HB 70, be concurred in. Report adopted.
HB 86, be concurred in. Report adopted.
HB 120, be concurred in. Report adopted.

MESSAGES FROM THE OTHER HOUSE

Senate bills passed and transmitted to the Senate for concurrence: 3/9/2011

SB 26, introduced by Blewett
SB 41, introduced by Shockley
SB 46, introduced by Tropila
SB 51, introduced by Tropila
SB 53, introduced by Balyeat
SB 60, introduced by Gillan
SB 62, introduced by Jones
SB 65, introduced by Jackson

MOTIONS

Senator Tutvedt moved **HB 71** be moved from the Judiciary committee to the Business, Labor, and Economic Affairs committee. Without objection, so ordered.

Senator Tutvedt moved **SB 362** be moved from the Committee of the Whole to the Public Health, Welfare and Safety committee.

Senate in recess.

Senate reconvened.

Senator Tutvedt's motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 27

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Absent or not voting: None.
Total 0

Excused: Hutton.
Total 1

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 400, introduced by Vincent, Ripley, Stahl, Brenden, Lewis, Taylor, referred to Fish and Game.
SB 401, introduced by Erickson, referred to Taxation.
SB 402, introduced by Balyeat, Hamlett, Hinkle, Mowbray, Facey, Taylor, Zinke, Ripley, Olson, Arthun, Moore, Murphy, Steinbeisser, Shockley, Jackson, Lewis, Hutton, Brown, Debby Barrett, Gallus, Jent, Brenden, Walker, Yates, Vance, Sonju, Skees, Flynn, Knudsen, Blasdel, Jones, referred to Fish and Game.
SB 403, introduced by Jones, referred to Education and Cultural Resources.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Essmann moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Wanzenried in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 19 - **House Amendments** - Senator Shockley moved House amendments to **SB 19** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Windy Boy, Zinke, Mr. President.
Total 47

Nays: Williams, Wittich.
Total 2

Absent or not voting: None.
Total 0

Excused: Hutton.
Total 1

Senator Gallus excused at this time.

HB 23 - Senator Jent moved **HB 23** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gillan, Hamlett, Hawks, Hinkle, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 47

Nays: Wittich.
Total 1

Absent or not voting: None.
Total 0

Excused: Gallus, Hutton.
Total 2

HB 64 - Senator Balyeat moved **HB 64** be concurred in.

HB 64 - Senator Balyeat moved **HB 64**, second reading copy, be amended as follows:

1. Page 1, line 29.
Following: "EMERGENCIES"
Insert: "and employees temporarily assigned under the return-to-work program administered by the department"

Amendment adopted as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gillan, Hamlett, Hawks, Hinkle, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Windy Boy, Zinke, Mr. President.
Total 46

Nays: Williams, Wittich.
Total 2

Absent or not voting: None.
Total 0

Excused: Gallus, Hutton.
Total 2

Senator Gallus present at this time.

HB 64 - Senator Balyeat moved **HB 64**, as amended, be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gillan, Hamlett, Hawks, Hinkle, Jackson, Jent, Jones, Keane, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Windy Boy, Zinke, Mr. President.
Total 40

Nays: Blewett, Gallus, Kaufmann, Larsen, Moss, Van Dyk, Wanzenried, Williams, Wittich.
Total 9

Absent or not voting: None.
Total 0

Excused: Hutton.
Total 1

HB 94 - Senator Mowbray moved **HB 94** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Ripley, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Walker, Wanzenried, Williams, Mr. President.
Total 41

Nays: Hinkle, Priest, Sonju, Tutvedt, Vincent, Windy Boy, Wittich, Zinke.
Total 8

Absent or not voting: None.
Total 0

Excused: Hutton.
Total 1

HB 118 - Senator Vuckovich moved **HB 118** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brown, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 43

Nays: Brenden, Buttrey, Hinkle, Sonju, Vincent, Wittich.
Total 6

Absent or not voting: None.
Total 0

Excused: Hutton.
Total 1

Senator Priest rose on a point of personal privilege and stated a conflict of interest with **HB 94**.

HB 119 - Senator Jent moved **HB 119** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gillan, Hamlett, Hawks, Hinkle, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Windy Boy, Wittich, Zinke, Mr. President.

Total 47

Nays: Gallus, Williams.
Total 2

Absent or not voting: None.
Total 0

Excused: Hutton.
Total 1

HB 127 - Senator Mowbray moved **HB 127** be concurred in. Motion carried as follows:
Yeas: Augare, Balyeat, Barrett, Blewett, Brenden, Brown, Caferro, Essmann, Facey, Gallus, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Windy Boy, Mr. President.
Total 36

Nays: Arthun, Branae, Buttrey, Erickson, Gillan, Hinkle, Jackson, Jones, Lake, Walker, Williams, Wittich, Zinke.
Total 13

Absent or not voting: None.
Total 0

Excused: Hutton.
Total 1

HB 327 - Senator Hawks moved **HB 327** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Mr. President.
Total 45

Nays: Buttrey, Priest, Wittich, Zinke.
Total 4

Absent or not voting: None.
Total 0

Excused: Hutton.
Total 1

HJR 6 - Senator Van Dyk moved **HJR 6** be concurred in.

HJR 6 - Senator Van Dyk moved **HJR 6**, second reading copy, be amended as follows:

Amendment **not** adopted as follows:
Yeas: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Nays: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 27

Absent or not voting: None.
Total 0

Excused: Hutton.
Total 1

HJR 6 - Senator Van Dyk moved **HJR 6** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gillan, Hamlett, Hawks, Hinkle, Jackson, Jent, Jones, Keane, Lake, Larsen, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Windy Boy, Wittich, Zinke, Mr. President.
Total 44

Nays: Gallus, Kaufmann, Moss, Ripley, Williams.
Total 5

Absent or not voting: None.
Total 0

Excused: Hutton.
Total 1

Senator Essmann moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Peterson in the chair. Chairman Wanzenried moved the Committee of the Whole report be adopted. Report adopted as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gillan, Hamlett, Hawks, Hinkle, Jackson, Jent, Jones, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tutvedt, Van Dyk, Vincent, Walker, Wanzenried, Windy Boy,

Wittich, Zinke, Mr. President.
Total 44

Nays: Gallus, Kaufmann, Tropila, Vuckovich, Williams.
Total 5

Absent or not voting: None.
Total 0

Excused: Hutton.
Total 1

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 207 passed as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hamlett, Hinkle, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Van Dyk, Vincent, Walker, Zinke, Mr. President.
Total 28

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Vuckovich, Wanzenried, Williams, Windy Boy, Wittich.
Total 21

Absent or not voting: None.
Total 0

Excused: Hutton.
Total 1

HB 24 concurred in as follows:
Yeas: Arthun, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gillan, Hamlett, Hawks, Hinkle, Jackson, Jent, Jones, Keane, Lake, Larsen, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Wanzenried, Williams, Wittich, Zinke, Mr. President.
Total 42

Nays: Augare, Gallus, Kaufmann, Moss, Stewart-Peregoy, Van Dyk, Windy Boy.
Total 7

Absent or not voting: None.
Total 0

Excused: Hutton.
Total 1

HB 47 concurred in as follows:
Yeas: Augare, Balyeat, Barrett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gillan, Hamlett, Hawks, Hinkle, Jackson, Jent, Jones, Keane, Lake, Larsen, Lewis, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Windy Boy, Wittich, Mr. President.
Total 40

Nays: Arthun, Blewett, Gallus, Kaufmann, Moore, Moss, Tutvedt, Williams, Zinke.
Total 9

Absent or not voting: None.
Total 0

Excused: Hutton.
Total 1

HB 63 concurred in as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Facey, Gillan, Hamlett, Hawks, Hinkle, Jackson, Jent, Jones, Kaufmann, Keane, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Zinke, Mr. President.
Total 42

Nays: Essmann, Gallus, Lake, Tutvedt, Walker, Windy Boy, Wittich.
Total 7

Absent or not voting: None.
Total 0

Excused: Hutton.
Total 1

HB 65 concurred in as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gillan, Hamlett, Hawks, Hinkle, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.

Total 48

Nays: Gallus.
Total 1

Absent or not voting: None.
Total 0

Excused: Hutton.
Total 1

HB 96 concurred in as follows:
Yeas: Arthun, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gillan, Hamlett, Hawks, Hinkle, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 46

Nays: Augare, Gallus, Ripley.
Total 3

Absent or not voting: None.
Total 0

Excused: Hutton.
Total 1

HB 126 concurred in as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gillan, Hamlett, Hawks, Hinkle, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 48

Nays: Gallus.
Total 1

Absent or not voting: None.
Total 0

Excused: Hutton.
Total 1

HB 187 concurred in as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gillan, Hamlett, Hawks, Hinkle, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 48

Nays: Gallus.
Total 1

Absent or not voting: None.
Total 0

Excused: Hutton.
Total 1

HB 268 concurred in as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Hamlett, Hawks, Hinkle, Jackson, Jones, Keane, Lewis, Moore, Mowbray, Murphy, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Vuckovich, Wittich, Zinke, Mr. President.
Total 26

Nays: Augare, Blewett, Branae, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Jent, Kaufmann, Lake, Larsen, Moss, Olson, Priest, Stewart-Peregoy, Tropila, Van Dyk, Walker, Wanzenried, Williams, Windy Boy.
Total 23

Absent or not voting: None.
Total 0

Excused: Hutton.
Total 1

HB 307 concurred in as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Facey, Hinkle, Hutton, Jackson, Jones, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tropila, Tutvedt, Vincent, Walker, Williams, Wittich, Zinke, Mr. President.
Total 33

Nays: Augare, Blewett, Branae, Caferro, Erickson, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Stewart-Peregoy, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 17

Paired: Hutton, Aye; Gillan, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SPECIAL ORDERS OF THE DAY

Mr. President, I move that the following undersigned name be **ADDED** as sponsor to **SB 402**
Motion carried.

SB 402 (Balyeat Chief Sponsor)
Representative Kennedy

MOTIONS

Senator Wittich moved to change his vote on **HB 47** from No to Yes. Without objection, so ordered.

Senator Gillan rose on a point of personal privilege and stated a letter, signed by Senator Gillan, Minority Leader Williams, and Senator Moss, had been sent on Tuesday, March 8, 2011, to Speaker Milburn and President Peterson regarding a comment made during a Senate Judiciary committee hearing. President Peterson stated he would discuss the issue with Speaker Milburn and provide a written response to the Senators' letter.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Essmann moved that the Senate adjourn until 1:00 p.m., Friday, March 11, 2011. Motion carried.

Senate adjourned at 2:22 p.m.

MARILYN MILLER
Secretary of the Senate

JIM PETERSON
President of the Senate

SENATE JOURNAL
62ND LEGISLATURE
FIFTY-FIFTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
March 11, 2011 — State Capitol

Senate convened at 1:00 p.m. President Peterson presiding. Invocation by Chaplain Keith Johnson. Pledge of Allegiance to the Flag. Roll Call. All members present, except Senator Walker, excused. Quorum present.

SPECIAL ORDERS OF THE DAY

Senator Essmann acknowledged the 100th Anniversary of the University of Montana School of Law.

The University of Montana Western Polynesian Club, Dillon, performed Polynesian dances.

BILLS AND JOURNALS: 3/10/2011

Correctly printed: **SB 347**, **HB 23**, **HB 62**, **HB 70**, **HB 86**, **HB 94**, **HB 118**, **HB 119**, **HB 120**, **HB 127**, **HB 327**, **HJR 6**.
Correctly engrossed: **HB 64**, **HB 125**.
Correctly enrolled: **SB 64**, **SB 69**, **SB 72**, **SB 73**, **SB 95**, **SB 152**, **SB 165**, **SB 186**.
Signed by the President at 4:12 p.m., March 10, 2011: **SB 26**, **SB 41**, **SB 46**, **SB 51**, **SB 53**, **SB 60**, **SB 62**, **SB 65**.
Signed by the Secretary of the Senate at 4:00 p.m., March 10, 2011: **SB 26**, **SB 41**, **SB 46**, **SB 51**, **SB 53**, **SB 60**, **SB 62**, **SB 65**.

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Balyeat, Chairman): 3/11/2011
HB 300, be amended as follows:

1. Page 3, line 23.
Following: "HOURS OF WORK"
Insert: "or other allowable situations"

And, as amended, be concurred in. Report adopted.

HB 367, be concurred in. Report adopted.
HB 399, be concurred in. Report adopted.

ENERGY AND TELECOMMUNICATIONS (Olson, Chairman): 3/10/2011
HB 59, be amended as follows:

1. Page 4, line 23.
Strike: "October 1, 2011"
Insert: "January 1, 2012"

2. Page 4.
Following: line 25

"COORDINATION SECTION. **Section 3. Coordination instruction.** If Senate Bill No. 109 and [this act] are both passed and approved, then the sections amending 69-3-2003 are void and 69-3-2003 must be amended as follows:

"69-3-2003. Definitions. As used in this part, unless the context requires otherwise, the following definitions apply:

(1) "Ancillary services" means services or tariff provisions related to generation and delivery of electric power other than simple generation, transmission, or distribution. Ancillary services related to transmission services include energy losses, energy imbalances, scheduling and dispatching, load following, system protection, spinning reserves and nonspinning reserves, and reactive power.

(2) "Balancing authority" means a transmission system control operator who balances electricity supply and load at all times to meet transmission system operating criteria and to provide reliable electric service to customers.

(3) "Common ownership" means the same or substantially similar persons or entities that maintain a controlling interest in more than one community renewable energy project even if the ownership shares differ between two community renewable energy projects. Two community renewable energy projects may not be considered to be under common ownership simply because the same entity provided debt or equity or both debt and equity to both projects.

(4) "Community renewable energy project" means an eligible renewable resource that:

(a) is interconnected on the utility side of the meter in which local owners have a controlling interest and that is less than or equal to 25 megawatts in total calculated nameplate capacity; or

(b) is owned by a public utility and has less than or equal to 25 megawatts in total nameplate capacity.

(5) (a) "Competitive electricity supplier" means any person, corporation, or governmental entity that is selling electricity to small customers at retail rates in the state of Montana and that is not a public utility or cooperative.

(b) The term does not include governmental entities selling electricity produced only by facilities generating less than 250 kilowatts that were in operation prior to 1990.

(6) "Compliance year" means each calendar year beginning January 1 and ending December 31, starting in 2008, for which compliance with this part must be demonstrated.

(7) "Cooperative utility" means:

(a) a utility qualifying as an electric cooperative pursuant to Title 35, chapter 18; or

(b) an existing municipal electric utility as of May 2, 1997.

(8) "Dispatch ability" means the ability of either a balancing authority or the owner of an electric generating resource to rapidly start, stop, increase, or decrease electricity production from that generating resource in order to respond to the balancing authority's need to match supply resources to loads on the transmission system.

(9) "Electric generating resource" means any plant or equipment used to generate electricity by any means.

(10) "Eligible renewable resource" means a facility either located within Montana or delivering electricity from another state into Montana that, except as provided in subsection

(10)(d)(ii), commences commercial operation after January 1, 2005, and that produces electricity from one or more of the following sources:

(a) wind;

(b) solar;

(c) geothermal;

(d) (i) water power~~, in the case of a hydroelectric project that:~~

~~(i) does not require a new appropriation, diversion, or impoundment of water and that has a nameplate rating of 10 megawatts or less; or~~

~~(ii) is installed at an existing reservoir or on an existing irrigation system that does not have hydroelectric generation as of April 16, 2009, and has a nameplate capacity of 15 megawatts or less~~;

(ii) water power in the case of a hydroelectric project that is an expansion of a hydroelectric project that commenced commercial operation before December 31, 2004, that increases generation capacity on or after [the effective date of this act]. The eligible renewable resource includes only the actual amount of increased generation capacity produced by the project as a result of the expansion.

(e) landfill or farm-based methane gas;

(f) gas produced during the treatment of wastewater;

(g) low-emission, nontoxic biomass based on dedicated energy crops, animal wastes, or solid organic fuels from wood, forest, or field residues, except that the term does not include wood pieces that have been treated with chemical preservatives such as creosote, pentachlorophenol, or copper-chroma-arsenic;

(h) hydrogen derived from any of the sources in this subsection (10) for use in fuel cells;

(i) the renewable energy fraction from the sources identified in subsections (10)(a) through (10)(j) of electricity production from a multiple-fuel process with fossil fuels; and

(j) compressed air derived from any of the sources in this subsection (10) that is forced into an underground storage reservoir and later released, heated, and passed through a turbine generator.

(11) "Local owners" means:

(a) Montana residents or entities composed of Montana residents;

(b) Montana small businesses;

(c) Montana nonprofit organizations;

(d) Montana-based tribal councils;

(e) Montana political subdivisions or local governments;

(f) Montana-based cooperatives other than cooperative utilities; or

(g) any combination of the individuals or entities listed in subsections (11)(a) through (11)(f).

(12) "Nonspinning reserve" means offline generation that can be ramped up to capacity and synchronized to the grid within 10 minutes and that is needed to maintain system frequency stability during emergency conditions, unforeseen load swings, and generation disruptions.

(13) "Public utility" means any electric utility regulated by the commission pursuant to Title 69, chapter 3, on January 1, 2005, including the public utility's successors or assignees.

(14) "Renewable energy credit" means a tradable certificate of proof of 1 megawatt hour of electricity generated by an eligible renewable resource that is tracked and verified by the commission and includes all of the environmental attributes associated with that 1 megawatt-hour unit of electricity production.

(15) "Seasonality" means the degree to which an electric generating resource is capable of producing electricity in each of the seasons of the year.

(16) "Small customer" means a retail customer that has an individual load with an average monthly demand of less than 5,000 kilowatts.

(17) "Spinning reserve" means the online reserve capacity that is synchronized to the grid system and immediately responsive to frequency control and that is needed to maintain system frequency stability during emergency conditions, unforeseen load swings, and generation disruptions.

(18) "Total calculated nameplate capacity" means the calculation of total nameplate capacity of the community renewable energy project and other eligible renewable resources that are:

(a) located within 5 miles of the project;
(b) constructed within the same 12-month period; and
(c) under common ownership."

Renumber: subsequent sections

And, as amended, be concurred in. Report adopted.

HB 78, be concurred in. Report adopted.

FINANCE AND CLAIMS (Lewis, Chairman): 3/11/2011
SB 110, do pass. Report adopted.
SB 199, do pass. Report adopted.
SB 312, introduced bill, be amended as follows:

1. Page 2, line 1.
Following: "~~environment.~~"
Insert: "A major amendment is an amendment that may significantly affect the human environment. A minor amendment is an amendment that will not significantly affect the human environment."

2. Page 13, line 8.
Strike: "**or**"
Insert: ","
Following: "~~**revision**~~"
Insert: ", or revision"

3. Page 13, line 23 through line 24.
Strike: ":" on line 23 through "(i)" on line 24

4. Page 13, line 24 through line 25.
Following: "deficiency" on line 24
Strike: "; and" on line 24 through "deficiency" on line 25

5. Page 13, line 29.
Following: "requirements;"
Insert: "and"

6. Page 14, line 2.
Strike: "; and"
Insert: "."

7. Page 15, line 24.
Strike: "AND"
Insert: "or"

8. Page 15, line 24.
Following: "THIS PART."
Insert: "For a stipulation imposed without the applicant's consent, the department shall provide to the applicant in writing the reason for the stipulation, a citation to the statute or rule that gives the department the authority to impose the stipulation, and, for a stipulation imposed in the final permit that was not contained in the draft permit, the reason that the stipulation was not contained in the draft permit."

9. Page 16, line 14.
Following: "(5)"
Insert: "(a)"
Strike: "by an"
Insert: "may be a major or minor permit"

10. Page 16, line 15.
Following: "~~including a~~"
Insert: "permit revision. A modification of the operating permit, including a"

11. Page 16, line 17.
Following: "~~or revision~~"
Insert: "or revision"

12. Page 16, line 20.
Following: line 19
Insert: " (b) The modification of an operating permit may not be finalized and an existing bond amount may not be increased until the permit modification procedures and analysis described in subsection (5)(a) are completed."

13. Page 17, line 7.
Following: "may apply for"
Insert: "a permit revision as described in subsections (5)(g) through (5)(j) or"

14. Page 17, line 10.
Following: "~~(a)~~"
Insert: "(a)"

15. Page 17, line 11.
Following: "~~for the~~ "
Insert: "classification of amendments as major or minor. The board shall adopt rules establishing requirements for the"
Following: "~~major and minor~~"
Insert: "revisions and major and minor"

16. Page 17, line 12.
Following: "~~minor~~"
Insert: "revisions and minor"

17. Page 17, line 18.
Following: line 17
Insert: "(b) An amendment must be considered minor if:

(i) it is for the purpose of retention of mine-related facilities that are valuable for postmining use;

(ii) evidence is submitted showing that a local government has requested retention of the mine-related facilities for a postmining use; and

(iii) the postmining use of the mine-related facilities meets the requirements provided for in 82-4-336."

18. Page 17, line 18.
Following: "~~major~~"
Insert: "major"

19. Page 17, line 22.
Following: line 21
Insert: "(4) The department shall review an application for a revision or a minor amendment and provide a notice of decision on the adequacy of the application within 30 days. If the department does not respond within 30 days, then the permit is revised or amended in accordance with the application."
Renumber: subsequent subsection

20. Page 17, line 23.
Following: "of action"
Insert: "and permit revisions"

21. Page 18, line 11.
Following: "to"
Strike: "the"

22. Page 18, line 13.
Strike: "(4)(g)"
Insert: "(5)(g)"

And, as amended, do pass. Report adopted.

SB 317, introduced bill, be amended as follows:

1. Page 6, line 6.
Strike: "and economic"
Following: "action"
Insert: "and the environmental and economic impacts of major actions of state government pursuant to subsection (3)"

2. Page 6, line 8 through line 9.
Strike: "and" on line 8 through "economic" on line 9

3. Page 6, line 9.
Following: "action"
Insert: "and the environmental and economic impacts of major actions of state government pursuant to subsection (3)"

4. Page 10, line 19.
Following: "COURT."
Insert: "The agency may charge the project sponsor for its activities associated with original scientific studies conducted in accordance with this subsection (3)(a)."

5. Page 11, line 27.
Strike: "and economic"

And, as amended, do pass. Report adopted.

SB 329, do pass. Report adopted.

FISH AND GAME (Brenden, Chairman): 3/10/2011
HB 98, be concurred in. Report adopted.
HB 176, be concurred in. Report adopted.
HB 287, be concurred in. Report adopted.
HJR 1, be concurred in. Report adopted.

HIGHWAYS AND TRANSPORTATION (Jones, Chairman): 3/10/2011
HB 251, be amended as follows:

1. Page 2, line 28.
Following: "IMPLEMENT OF HUSBANDRY"

Strike: "OR"
Insert: ","

2. Page 2, line 29.
Following: "EQUIPMENT,"
Insert: "or forestry equipment,"

3. Page 2, line 30 through page 3, line 1.
Strike: "A SPEED" on page 2, line 30 through "LIMIT" on page 3, line 1
Insert: "highway speed or with the flow of traffic"

And, as amended, be concurred in. Report adopted.

HB 254, be concurred in. Report adopted.
HB 259, be concurred in. Report adopted.
HB 270, be concurred in. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bill passed and transmitted to the Senate for concurrence: 3/10/2011

HB 568, introduced by Wagner

Senate bills concurred in and returned to the Senate: 3/10/2011

SB 64, introduced by Steinbeisser
SB 69, introduced by Wanzenried
SB 72, introduced by Gillan
SB 73, introduced by Murphy
SB 95, introduced by Shockley
SB 152, introduced by Brown
SB 165, introduced by Balyeat
SB 186, introduced by Steinbeisser

Senate bill concurred in as amended and returned to the Senate for concurrence in House amendments:
3/10/2011

SB 67, introduced by Shockley

MOTIONS

Senator Murphy moved **HB 230** be moved from the Judiciary committee to the Finance and Claims committee. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Buttrey, Essmann, Gallus, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser,

Tutvedt, Vincent, Wittich, Zinke, Mr. President.
Total 27

Nays: Augare, Blewett, Branae, Brown, Caferro, Erickson, Facey, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Absent or not voting: None.
Total 0

Excused: Walker.
Total 1

Senator Blewett moved **H0B 71** be moved from the Business, Labor, and Economic Affairs committee to the Judiciary committee. Motion **failed** as follows:
Yeas: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Tropila, Van Dyk, Wanzenried, Williams.
Total 19

Nays: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tutvedt, Vincent, Vuckovich, Windy Boy, Wittich, Zinke, Mr. President.
Total 30

Absent or not voting: None.
Total 0

Excused: Walker.
Total 1

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Essmann moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Wittich in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 81 - Senator Wanzenried moved **SB 81** do pass. Motion carried as follows:
Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Jones, Kaufmann, Lake, Larsen, Lewis, Moss, Murphy, Olson, Ripley, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

Total 36

Nays: Balyeat, Essmann, Hinkle, Hutton, Jackson, Keane, Moore, Mowbray, Priest, Sonju, Tutvedt, Vincent, Wittich.
Total 13

Absent or not voting: None.
Total 0

Excused: Walker.
Total 1

SB 338 - Senator Arthun moved **SB 338** do pass. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Caferro, Essmann, Hutton, Jackson, Jent, Jones, Lake, Lewis, Moore, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Vuckovich, Wanzenried, Wittich, Zinke, Mr. President.
Total 28

Nays: Augare, Blewett, Branae, Buttrey, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Kaufmann, Keane, Larsen, Moss, Mowbray, Stewart-Peregoy, Tropila, Van Dyk, Williams, Windy Boy.
Total 21

Absent or not voting: None.
Total 0

Excused: Walker.
Total 1

HB 29 - Senator Balyeat moved **HB 29** be concurred in.

HB 29 - Senator Balyeat moved **HB 29**, second reading copy, be amended as follows:

1. Title, page 1, line 6.
Strike: "OVERSEAS"

Amendment adopted as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Walker.
Total 1

HB 29 - Senator Balyeat moved **HB 29**, as amended, be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 48

Nays: Gillan.
Total 1

Absent or not voting: None.
Total 0

Excused: Walker.
Total 1

HB 53 - Senator Jent moved **HB 53** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Walker.
Total 1

HB 69 - Senator Jent moved **HB 69** be concurred in.

HB 69 - Senator Jent made a **substitute motion** that consideration of **HB 69** be passed for the day. Without objection, so ordered.

HB 79 - Senator Augare moved **HB 79** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Walker.
Total 1

HB 82 - Senator Gillan moved **HB 82** be concurred in. Motion carried as follows:
Yeas: Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Kaufmann, Keane, Lake, Larsen, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 43

Nays: Arthun, Jones, Lewis, Moore, Steinbeisser, Wittich.
Total 6

Absent or not voting: None.
Total 0

Excused: Walker.
Total 1

HB 92 - Senator Priest moved **HB 92** be concurred in. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tropila, Tutvedt, Van Dyk, Vincent, Wanzenried, Wittich, Zinke, Mr. President.
Total 41

Nays: Augare, Caferro, Kaufmann, Keane, Stewart-Peregoy, Vuckovich, Williams, Windy Boy.
Total 8

Absent or not voting: None.
Total 0

Excused: Walker.
Total 1

HB 93 - Senator Zinke moved **HB 93** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Walker.
Total 1

HB 169 - Senator Olson moved **HB 169** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Walker.
Total 1

HB 233 - Senator Lake moved **HB 233** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro,

Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Walker.
Total 1

HB 252 - Senator Wanzenried moved **HB 252** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Jones, Kaufmann, Keane, Larsen, Lewis, Moss, Mowbray, Priest, Ripley, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 31

Nays: Balyeat, Barrett, Essmann, Hinkle, Hutton, Jackson, Lake, Moore, Murphy, Olson, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Wittich, Zinke, Mr. President.
Total 18

Absent or not voting: None.
Total 0

Excused: Walker.
Total 1

HB 419 - Senator Arthun moved **HB 419** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 47

Nays: Blewett, Hutton.
Total 2

Absent or not voting: None.
Total 0

Excused: Walker.
Total 1

Senator Essmann moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Peterson in the chair. Chairman Wittich moved the Committee of the Whole report be adopted. Report adopted as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Walker.
Total 1

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 23 concurred in as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 48

Nays: Gallus.
Total 1

Absent or not voting: None.
Total 0

Excused: Walker.
Total 1

HB 94 concurred in as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Facey, Gillan, Hamlett, Hawks, Jackson, Jent, Jones, Kaufmann, Keane, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Mr. President.
Total 37

Nays: Blewett, Essmann, Gallus, Hinkle, Hutton, Lake, Olson, Priest, Tutvedt, Windy Boy, Wittich, Zinke.
Total 12

Absent or not voting: None.
Total 0

Excused: Walker.
Total 1

HB 118 concurred in as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Branae, Brown, Caferro, Erickson, Essmann, Facey, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Shockley, Stewart-Peregoy, Tropila, Tutvedt, Vuckovich, Wanzenried, Williams, Windy Boy, Mr. President.
Total 36

Nays: Blewett, Brenden, Buttrey, Gallus, Hinkle, Priest, Ripley, Sonju, Steinbeisser, Van Dyk, Vincent, Wittich, Zinke.
Total 13

Absent or not voting: None.
Total 0

Excused: Walker.
Total 1

HB 119 concurred in as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 48

Nays: Gallus.
Total 1

Absent or not voting: None.
Total 0

Excused: Walker.
Total 1

HB 127 concurred in as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Brenden, Brown, Buttrey, Caferro, Facey, Hamlett, Hawks, Hutton, Jent, Jones, Keane, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Vincent, Vuckovich, Wanzenried, Williams, Windy Boy, Mr. President.
Total 34

Nays: Blewett, Branae, Erickson, Essmann, Gallus, Gillan, Hinkle, Jackson, Kaufmann, Lake, Ripley, Tutvedt, Van Dyk, Wittich, Zinke.
Total 15

Absent or not voting: None.
Total 0

Excused: Walker.
Total 1

HB 327 concurred in as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Caferro, Erickson, Essmann, Facey, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Ripley, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Mr. President.
Total 42

Nays: Buttrey, Gallus, Priest, Sonju, Vincent, Wittich, Zinke.
Total 7

Absent or not voting: None.
Total 0

Excused: Walker.
Total 1

HJR 6 concurred in as follows:
Yeas: Arthun, Balyeat, Barrett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jones, Keane, Lake, Larsen, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Windy Boy, Wittich, Zinke, Mr.

President.
Total 41

Nays: Augare, Blewett, Gallus, Jent, Kaufmann, Moss, Ripley, Williams.
Total 8

Absent or not voting: None.
Total 0

Excused: Walker.
Total 1

SB 19, **as amended by the House**, passed as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 46

Nays: Gallus, Steinbeisser, Wittich.
Total 3

Absent or not voting: None.
Total 0

Excused: Walker.
Total 1

Senate Wanzenried requested an update on **HB 2** and **HJR 2**. President Peterson, responded House Bill 2 should be in the Senate Finance and Claims committee on Thursday or Friday. Senator Wanzenried raised concerns with the need to suspend the rules to allow **HJR 2** to come to the Senate. President Peterson stated he would research the issue.

President Peterson reminded the Senate members to abide by the floor privileges regarding lobbyists and guests being on the Senate floor one hour prior to the floor session and one-half hour after the floor session. President Peterson also clarified that jeans were not allowed on the Senate floor by anyone. President Peterson stated the anteroom was considered part of the Senate floor.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Essmann moved that the Senate adjourn until 8:00 a.m., Saturday, March 12, 2011. Motion carried.

Senate adjourned at 3:06 p.m.

MARILYN MILLER
Secretary of the Senate

JIM PETERSON
President of the Senate

SENATE JOURNAL
62ND LEGISLATURE
FIFTY-SIXTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
March 12, 2011 — State Capitol

Senate convened at 8:00 a.m. President Peterson presiding. Invocation by Chaplain Keith Johnson. Pledge of Allegiance to the Flag. Roll Call. All members present, except Senator Zinke, excused. Quorum present.

BILLS AND JOURNALS: 3/12/2011

Correctly printed: **SB 81**, **SB 110**, **SB 199**, **SB 329**, **SB 338**, **HB 53**, **HB 78**, **HB 79**, **HB 82**, **HB 92**, **HB 93**, **HB 98**, **HB 176**, **HB 254**, **HB 259**, **HB 270**, **HB 287**, **HB 367**, **HB 399**, **HJR 1**.
Correctly engrossed: **SB 312**, **SB 317**, **HB 29**, **HB 59**, **HB 169**, **HB 233**, **HB 251**, **HB 252**, **HB 300**, **HB 419**.
Examined by the sponsor and found to be correct: **SB 64**, **SB 69**, **SB 72**, **SB 73**, **SB 95**, **SB 152**, **SB 165**, **SB 186**.
Signed by the Speaker at 2:45 p.m., March 11, 2011: **SB 26**, **SB 41**, **SB 46**, **SB 51**, **SB 53**, **SB 60**, **SB 62**, **SB 65**.

REPORTS OF STANDING COMMITTEES

LOCAL GOVERNMENT (Sonju, Chairman): 3/11/2011
HB 61, be amended as follows:

1. Page 1, line 18.
Following: "~~road~~"
Insert: "or less than 25 miles an hour on an unpaved road"
Following: "~~or~~"
Insert: "or"

2. Page 1, line 19 through line 21.
Strike: "(D)" on line 19 through "(E)" on line 21
Insert: "(d)"

3. Page 2.
Following: line 17
Insert: "(8) A speed limit set on an unpaved road under subsection (1)(c) must be the same for all types of motor vehicles that may be operated on the road."

And, as amended, be concurred in. Report adopted.

HB 380, be amended as follows:

1. Title, line 17.
Following: ";"
Strike: "AND"

2. Title, line 18.
Following: "MCA"
Insert: "; AND PROVIDING AN APPLICABILITY DATE"

3. Page 3, line 26.
Following: "salary"
Insert: "in excess of the amounts provided in 7-13-2273(2)"

4. Page 4, line 1.
Strike: "must"
Insert: "may"
Following: "salary"
Insert: "."

5. Page 4, line 4 through line 9.
Strike: "in an" on line 4 through "district." on line 9
Insert: "(2) Except as provided in subsection (3), a salary may not exceed the following amounts:

(a) $60 in districts with a population of no more than 500 persons;

(b) $80 in districts with a population that exceeds 500 but is no more than 5,000 persons; and

(c) $100 in districts with a population of more than 5,000 persons.

(3) A salary may exceed the amounts provided under subsection (2) if the salary is in an amount proposed by the president of the board and approved by one of the following methods:

(a) an affirmative vote of the majority of the votes cast by the qualified voters of the district in an election held either by mail ballot, as provided in Title 13, chapter 19, or in conjunction with a regular or primary election; or

(b) an affirmative vote of the majority of the qualified voters of the district who are present and voting at an annual organizational meeting of the district."
Renumber: subsequent subsections

6. Page 4, lines 10 and 11.
Following: "receive" on line 10
Strike: "a"
Insert: "the"
Following: "salary"
Insert: ", if any,"
Strike: "equal" on line 10 through "section"
Insert: "established for the board member position at the time that the member was elected"

7. Page 9.
Following: line 1
Insert: "NEW SECTION. **Section 13. Saving clause.** [This act] does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act]."
Renumber: subsequent section

8. Page 9.
Following: line 5
Insert: "NEW SECTION. **Section 15. Applicability.** The provisions of [section 6] apply to a change in salary occurring after [the effective date of this act]."

And, as amended, be concurred in. Report adopted.

HB 426, be concurred in. Report adopted.
HB 552, be amended as follows:

1. Page 9, line 1.
Strike: "a not-for-profit"
Insert: "an"
Following: "service"
Insert: "not otherwise covered by subsection (1)(g)"

2. Page 12, line 19.
Strike: "FIREFIGHTER"
Insert: "emergency medical technician"

3. Page 12, line 20.
Strike: "FIREFIGHTER"
Insert: "emergency medical technician"

4. Page 12, lines 22 through 24.
Strike: "THE TRUSTEES" on line 22 through "BENEFITS." on line 24
Following: "MADE" on line 24
Insert: "as provided in subsection (12)(a)"

5. Page 12, lines 26 through 28.
Strike: subsection (d) in its entirety
Renumber: subsequent subsection

And, as amended, be concurred in. Report adopted.

NATURAL RESOURCES (Barrett, Chairman): 3/11/2011
HB 28, be concurred in. Report adopted.
HB 37, be concurred in. Report adopted.

HB 52, be concurred in. Report adopted.
HB 402, be concurred in. Report adopted.
HB 422, be concurred in. Report adopted.
HB 497, be concurred in. Report adopted.

STATE ADMINISTRATION (Shockley, Chairman): 3/11/2011
SB 325, do pass. Report adopted.
HB 99, be concurred in. Report adopted.

TAXATION (Tutvedt, Chairman): 3/11/2011
HB 103, be amended as follows:

1. Title, line 7.
Following: "AS THE"
Insert: "DEPARTMENT'S"

2. Title, line 8.
Following: "DISPOSE OF"
Insert: "ITS"

3. Page 3, line 18.
Following: "dispose of"
Insert: "its"

4. Page 3, line 21.
Following: "place of the"
Insert: "department's"

5. Page 3, line 22.
Following: "the"
Insert: "department's"

And, as amended, be concurred in. Report adopted.

SB 253, introduced bill, be amended as follows:

1. Title, page 1, line 8.
Following: "CONVERSION,"
Insert: "THE QUALIFIED ENDOWMENTS CREDIT,"

2. Title, line 16 through line 17.
Strike: "REPEALING" on line 16 through "LICENSE TAXES;" on line 17

3. Title, page 1, line 22.
Following: "7-21-3715,"

Insert: "15-1-230,"
Following: "15-30-2320,"
Insert: "15-30-2327, 15-30-2328, 15-30-2329,"

4. Title, page 1, line 23.
Following: "15-31-151,"
Insert: "15-31-161, 15-31-162,"

5. Title, line 27.
Strike: "15-50-207,"

6. Page 30.
Following: line 1
Insert: 15-1-230. Report on income tax credit to committee."

7. Page 30.
Following: line 3
Insert: 15-30-2327. Qualified endowments credit -- definitions -- rules.
15-30-2328. Credit for contributions to qualified endowment -- recapture of credit -- deduction included as income.
15-30-2329. Beneficiaries of estates -- credit for contribution to qualified endowment.

8. Page 30.
Following: line 9
Insert: 15-31-161. Credit for contribution by corporations to qualified endowment -- recapture of credit -- deduction included as income.
15-31-162. Small business corporation, partnership, and limited liability company credit for contribution to qualified endowment -- recapture of credit -- deduction included as income.

9. Page 31, line 17.
Strike: line 17 in its entirety

And, as amended, do pass. Report adopted.

SB 288, introduced bill, be amended as follows:

1. Page 1, line 12.
Strike: "unlawful"
Insert: "erroneous"

2. Page 1, line 16.
Strike: "unlawful"
Insert: "erroneous"

3. Page 1, line 19.
Following: "(b)"
Insert: "(i)"

4. Page 1.
Following: line 21
Insert: "(ii) If an appeal is filed before the administrative board and the board does not find in favor of the taxpayer and if a payment was made under protest or the taxpayer makes a payment under protest before the assessment becomes delinquent, the taxpayer may initiate an action in court as provided in subsection (2)."

And, as amended, do pass. Report adopted.

SB 295, introduced bill, be amended as follows:

1. Title, page 1, line 9.
Following: "DESCRIPTION;"
Insert: "PROVIDING THAT THE CONSIDERATION PAID ON A MORTGAGE FORECLOSURE MUST BE DISCLOSED IN A REALTY TRANSFER CERTIFICATE;"

2. Title, page 1, line 10.
Following: "PRACTICE;"
Insert: "REQUIRING THAT ERRONEOUS CALCULATION ERRORS MUST BE CORRECTED FOR ALL AFFECTED PROPERTIES;"
Strike: "AND"

3. Title, page 1, line 11.
Following: "15-7-102"
Insert: ", 15-7-307,"
Strike: "AND"
Following: "15-8-111,"
Insert: "AND 15-8-601,"
Following: "MCA"
Insert: "; AND PROVIDING A DELAYED EFFECTIVE DATE"

4. Page 2, line 25.
Strike: "annually"
Insert: "at any time but only once each valuation cycle"

5. Page 2, line 26.
Following: "price"
Insert: "or the capitalization of net income method"

6. Page 2, line 28.
Strike: "2"
Insert: "4"

7. Page 2, line 29.
Following: "residential"
Insert: "and commercial"
Following: "objector"
Insert: "by posted mail or e-mail, unless the objector waives receiving the information,"

8. Page 3.
Following: line 3
Insert: "(c) For properties valued using the capitalization of net income method as one approximation of market value, notice must be provided that the taxpayer will be given a form to acknowledge confidentiality requirements for the receipt of all information that the department used in the valuation model for the property."
Renumber: subsequent subsections

9. Page 4, line 3.
Insert: "Section 2. Section 15-7-307, MCA, is amended to read:

"15-7-307. Certificate -- exceptions. The certificate required by this part applies to all transfers. However, the certificate filed for the following transfers need not disclose the consideration paid or to be paid for the real estate transferred:

(1) an instrument recorded prior to July 1, 1975;

(2) the sale of agricultural land when the land is used for agricultural purposes;

(3) the sale of timberland when the land is used for producing timber;

(4) a transfer by the United States, this state, or any instrumentality, agency, or subdivision of the United States or this state;

(5) an instrument that (without added consideration) confirms, corrects, modifies, or supplements a previously recorded instrument;

(6) a transfer pursuant to a court decree;

(7) a transfer pursuant to mergers, consolidations, or reorganizations of corporations, partnerships, or other business entities;

(8) a transfer by a subsidiary corporation to its parent corporation without actual consideration or in sole consideration of the cancellation or surrender of subsidiary stock;

(9) a transfer of decedents' estates;

(10) a transfer of a gift;

(11) a transfer between husband and wife or parent and child with only nominal actual consideration for the transfer;

(12) an instrument the effect of which is to transfer the property to the same party or parties;

(13) a sale for delinquent taxes or assessments, a sheriff's sale, or a sale pursuant to a bankruptcy ~~action~~ court order~~, or mortgage foreclosure~~;

(14) a transfer made in contemplation of death.""
Renumber: subsequent section

10. Page 4, line 21.
Following: "following the"
Insert: "appropriate"
Following: "practice"
Insert: "for mass appraisal"

11. Page 6.
Following: line 15
Insert: "Section 4. Section 15-8-601, MCA, is amended to read:

"15-8-601. Assessment revision -- conference for review. (1) (a) Except as provided in subsection (1)(b), whenever the department discovers that any taxable property of any person has in any year escaped assessment, been erroneously assessed, or been omitted from taxation, the department may assess the property provided that the property is under the ownership or control of the same person who owned or controlled it at the time it escaped assessment, was erroneously assessed, or was omitted from taxation. All revised assessments must be made within 10 years after the end of the calendar year in which the original assessment was or should have been made.

(b) Within the time limits set by 15-23-116, whenever the department discovers property subject to assessment under Title 15, chapter 23, that has escaped assessment, been erroneously assessed, or been omitted from taxation, the department may issue a revised assessment to the person, firm, or corporation who owned the property at the time it escaped assessment, was erroneously assessed, or was omitted from taxation, regardless of the ownership of the property at the time of the department's revised assessment.

(c) If an erroneous assessment is due to a calculation error by the department, the department shall revise the assessment of like properties that were also erroneously assessed using the same calculation.

(2) When the department proposes to revise the statement reported by the taxpayer under 15-8-301, the action of the department is subject to the notice and conference provisions of this section. Revised assessments of centrally assessed property are subject to review pursuant to 15-1-211.

(3) (a) Notice of revised assessment pursuant to this section must be made by the department by postpaid letter addressed to the person interested within 10 days after the revised assessment has been made. If the property is locally assessed, the notice must include the opportunity for a conference on the matter, at the request of the person interested, within 30 days after notice is given.

(b) An assessment revision review conference is not a contested case as defined in the Montana Administrative Procedure Act. The department shall keep minutes in writing of each assessment revision review conference, and the minutes are public records.

(c) Following an assessment revision review conference or expiration of the opportunity for a conference, the department shall order an assessment that it considers proper. Any party to the conference aggrieved by the action of the department or a taxpayer who does not request a conference may appeal to the county tax appeal board within 30 days of receipt of the revised assessment or the department's assessment made pursuant to the conference.

(4) The department shall enter in the property tax record all changes and corrections made by it.""

Insert: "NEW SECTION. **Section 5. Effective date.** [This act] is effective July 1, 2012."

And, as amended, do pass. Report adopted.

SB 333, do pass. Report adopted.
SB 376, do pass. Report adopted.
HB 219, be concurred in. Report adopted.
HB 293, be concurred in. Report adopted.
HB 348, be concurred in. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bill passed and transmitted to the Senate for concurrence: 3/11/2011

HB 467, introduced by Brodehl

Senate bills concurred in and returned to the Senate: 3/11/2011

SB 203, introduced by Zinke
SB 211, introduced by Hutton
SB 256, introduced by Gillan
SB 258, introduced by Buttrey
SB 289, introduced by Zinke
SB 335, introduced by Shockley

Senate joint resolution concurred in and returned to the Senate: 3/11/2011

SJR 9, introduced by Hutton

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 404, introduced by Blewett, referred to State Administration.
SB 405, introduced by Blewett, referred to Agriculture, Livestock and Irrigation.
SB 406, introduced by Essmann, referred to Taxation.

The following Senate joint resolution was introduced, read first time, and referred to committee:

SJR 17, introduced by Tutvedt, referred to Taxation.

The following House bills were introduced, read first time, and referred to committee:

HB 467, introduced by Brodehl, Hiner, McChesney, Cook, Roberts, Hollenbaugh, Cuffe, Sesso, Greef, O'Neil, Miller, Vance, Berry, Walker, Kennedy, Zinke, Evans, Hollandsworth, K. Williams,

Gibson, Read, Lavin, Beck, Osmundson, referred to Taxation.
HB 568, introduced by Wagner, referred to Natural Resources.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Essmann moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Facey in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 69 - Senator Jent moved consideration of **HB 69** be passed for the day. Without objection, so ordered.

SB 237 - Senator Arthun moved **SB 237** do pass. Motion carried as follows:
Yeas: Arthun, Barrett, Brenden, Brown, Buttrey, Caferro, Essmann, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Keane, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Vuckovich, Walker, Wittich, Mr. President.
Total 31

Nays: Augare, Balyeat, Blewett, Branae, Erickson, Facey, Gallus, Gillan, Hinkle, Kaufmann, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried, Williams, Windy Boy.
Total 18

Absent or not voting: None.
Total 0

Excused: Zinke.
Total 1

SPECIAL ORDERS OF THE DAY

Senator Hinkle introduced The Zylawy Brothers Band from Mineral County, Montana. The brothers were Roman, Kenley, and Wyatt.

HB 12 - Senator Blewett moved **HB 12** be concurred in.

HB 12 - Senator Essmann moved consideration of **HB 12** be passed for the day. Without objection, so ordered.

HB 62 - Senator Gallus moved **HB 62** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju,

Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Mr. President.
Total 46

Nays: Balyeat, Gallus, Kaufmann.
Total 3

Absent or not voting: None.
Total 0

Excused: Zinke.
Total 1

HB 81 - Senator Buttrey moved **HB 81** be concurred in. Motion carried as follows:
Yeas: Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Ripley, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Windy Boy, Mr. President.
Total 42

Nays: Arthun, Facey, Hinkle, Priest, Sonju, Walker, Wittich.
Total 7

Absent or not voting: None.
Total 0

Excused: Zinke.
Total 1

HB 86 - Senator Jent moved **HB 86** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Ripley, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Mr. President.
Total 43

Nays: Essmann, Priest, Sonju, Vincent, Walker, Wittich.
Total 6

Absent or not voting: None.
Total 0

Excused: Zinke.
Total 1

HB 120 - Senator Blewett moved consideration of **HB 120** be passed for the day. Without objection, so ordered.

HB 125 - Senator Steinbeisser moved **HB 125** be concurred in.

HB 125 - Senator Steinbeisser moved **HB 125**, second reading copy, be amended as follows:

1. Title, page 1, line 9.
Following: "INSURERS;"
Insert: "REVISING THE DEFINITION OF "INSURER" RELATING TO CAPTIVE RISK RETENTION GROUPS;"

2. Title, page 1, line 16.
Following: "33-2-601,"
Insert: "33-2-1501,"

3. Page 5.
Following: line 20
Insert: "Section 8. Section 33-2-1501, MCA, is amended to read:

"33-2-1501. Definitions. As used in parts 15 through 17 of this chapter, the following definitions apply:

(1) "Accredited state" means a state in which the department of insurance or regulatory agency has qualified as meeting the minimum financial regulatory standards promulgated and established from time to time by the national association of insurance commissioners.

(2) "Actuary" means a person who is a member in good standing of the American academy of actuaries.

(3) "Captive insurer" means:

(a) an insurer that is owned by another entity and whose exclusive purpose is to insure risks of the parent entity and its affiliates; or

(b) in the case of a group or association, an insurer that is owned by the member insureds and whose exclusive purpose is to insure risks to member insureds and their affiliates.

(4) "Control" or "controlled" has the meaning defined in 33-2-1101.

(5) "Controlled insurer" means an authorized insurer that is controlled, directly or indirectly, by a producer.

(6) "Controlling person" means a person, firm, association, or corporation that has the power to direct or cause to be directed the management, control, or activities of a reinsurance intermediary.

(7) "Controlling producer" means a producer who, directly or indirectly, controls an insurer.

(8) (a) "Insurer" means any person, firm, association, or corporation authorized, under Title 33, chapter 2, part 1, to transact insurance business in this state.

(b) ~~The~~ <u>With regard to part 15 only, the</u> following are not insurers:

(i) risk retention groups as defined in:

(A) the Superfund Amendments and Reauthorization Act of 1986, Pub. L. No. 99-499, 100 Stat. 1613 (1986);

(B) the Liability Risk Retention Act of 1986, 15 U.S.C. 3901, et seq.; or

(C) Title 33, chapter 11, part 1;

(ii) residual market pools and joint underwriting authorities or associations; or

(iii) captive insurers.

(c) With regard to parts 16 and 17, captive insurers are not insurers but captive risk retention groups are insurers.

(9) "Licensed producer" means a producer or reinsurance intermediary licensed pursuant to this title.

(10) (a) "Managing general agent" means a person who:

(i) manages all or part of the insurance business of an insurer and acts as an agent for the insurer;

(ii) either separately or together with affiliates, produces, directly or indirectly, and underwrites an amount of gross written premiums equal to or more than 5% of the policyholder surplus in any quarter or year; and

(iii) engages in one or more of the following activities on the business produced:

(A) adjustment or payment of claims in excess of an amount determined by the commissioner; or

(B) negotiation of reinsurance on behalf of the insurer.

(b) Notwithstanding the provisions of subsection (10)(a), the following persons are not considered managing general agents:

(i) an employee of the insurer;

(ii) a manager of the United States branch of an alien insurer;

(iii) an underwriting manager who, pursuant to contract, manages all or part of the insurance operations of the insurer, is under common control with the insurer, is subject to Title 33, chapter 2, part 11, and whose compensation is not based solely on the value of premiums written; or

(iv) the attorney-in-fact authorized by and acting for the subscribers of a reciprocal insurer or an interinsurance exchange under powers of attorney.

(11) "NAIC" means the national association of insurance commissioners.

(12) "Producer" means an insurance producer or reinsurance intermediary authorized or licensed pursuant to this title.

(13) (a) "Qualified United States financial institution" means a financial institution that:

(i) is organized or licensed under the laws of the United States or any state;

(ii) is regulated, supervised, and examined by federal or state authorities having regulatory authority over banks and trust companies and that either:

(A) is determined by the commissioner to meet the standards of financial condition and standing considered necessary and appropriate to regulate the quality of financial institutions whose letters of credit are acceptable to the commissioner; or

(B) is eligible to act as a fiduciary of a trust or has been granted authority to operate with fiduciary powers.

(b) For purposes of this definition, the commissioner may by rule adopt standards of financial condition and standing that may be developed from time to time by the securities valuation office of the NAIC.

(14) "Reinsurance intermediary" means a reinsurance intermediary-broker or a reinsurance intermediary-manager.

(15) "Reinsurance intermediary-broker" means a person, other than an officer or employee of the ceding insurer, who solicits, negotiates, or places reinsurance cessions or retrocessions on behalf of a ceding insurer without the authority or power to bind reinsurance on behalf of the insurer.

(16) (a) "Reinsurance intermediary-manager" means a person who:

(i) has authority to bind or who manages all or part of the assumed reinsurance business of a reinsurer, including the management of a separate division, department, or underwriting office; and

(ii) acts as an agent for the reinsurer, whether known as a reinsurance intermediary-manager, manager, or other similar term.

(b) The following persons are not considered reinsurance intermediary-managers with respect to the reinsurer:

(i) an employee of the reinsurer;

(ii) a manager of the United States branch of an alien reinsurer;

(iii) an underwriting manager who, pursuant to contract, manages all of the reinsurance operations of the reinsurer, is under common control with the reinsurer, is subject to Title 33, chapter 2, part 11, and whose compensation is not based on the volume of premiums written; or

(iv) a person who manages groups, associations, pools, or organizations of insurers that engage in joint underwriting or joint reinsurance and that are subject to examination by the insurance commissioner of the state in which the manager's principal business office is located.

(17) "Reinsurer" means a person, firm, association, or corporation licensed in this state under this title as an insurer with authority to assume reinsurance.

(18) "Underwrite" means the authority to accept or reject risk on behalf of the insurer.""

Renumber: subsequent sections

Amendment adopted as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Zinke.
Total 1

HB 125 - Senator Steinbeisser moved **HB 125**, as amended, be concurred in.

HB 125 - Senator Williams made a **substitute motion** that consideration of **HB 125** be passed for the day. Without objection, so ordered.

HB 191 - Senator Murphy moved **HB 191** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Hamlett, Hawks, Hinkle, Hutton, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Mr. President.
Total 47

Nays: Gillan, Jackson.
Total 2

Absent or not voting: None.
Total 0

Excused: Zinke.
Total 1

Senator Essmann moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Peterson in the chair. Chairman Facey moved the Committee of the Whole report be adopted. Report adopted as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Zinke.
Total 1

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 81 passed as follows:
Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brenden, Brown, Caferro, Erickson, Facey, Gillan, Hamlett, Hawks, Jackson, Jent, Kaufmann, Larsen, Lewis, Moss, Murphy, Olson, Ripley, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 33

Nays: Balyeat, Buttrey, Essmann, Gallus, Hinkle, Hutton, Jones, Keane, Lake, Moore, Mowbray, Priest, Sonju, Tutvedt, Vincent, Walker, Wittich.
Total 17

Paired: Zinke, Aye; Essmann, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 338 passed as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Caferro, Essmann, Hinkle, Hutton, Jackson, Jent, Jones, Lake, Lewis, Moore, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Wittich, Zinke, Mr. President.
Total 31

Nays: Augare, Blewett, Branae, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Kaufmann, Keane, Larsen, Moss, Mowbray, Stewart-Peregoy, Van Dyk, Wanzenried, Williams, Windy Boy.
Total 19

Paired: Zinke, Aye; Gillan, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 53 concurred in as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones,

Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Mr. President.
Total 46

Nays: Essmann, Sonju, Wittich.
Total 3

Absent or not voting: None.
Total 0

Excused: Zinke.
Total 1

HB 64 concurred in as follows:
Yeas: Arthun, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Larsen, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Mr. President.
Total 44

Nays: Augare, Gallus, Kaufmann, Moss, Wittich.
Total 5

Absent or not voting: None.
Total 0

Excused: Zinke.
Total 1

HB 79 concurred in as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Zinke.
Total 1

HB 82 concurred in as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moss, Murphy, Olson, Priest, Shockley, Sonju, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Mr. President.
Total 43

Nays: Gallus, Moore, Mowbray, Ripley, Steinbeisser, Wittich.
Total 6

Absent or not voting: None.
Total 0

Excused: Zinke.
Total 1

HB 92 concurred in as follows:
Yeas: Arthun, Balyeat, Barrett, Branae, Brenden, Brown, Buttrey, Erickson, Essmann, Facey, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Lake, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tropila, Tutvedt, Vincent, Walker, Wanzenried, Wittich, Mr. President.
Total 37

Nays: Augare, Blewett, Caferro, Gallus, Kaufmann, Keane, Larsen, Stewart-Peregoy, Van Dyk, Vuckovich, Williams, Windy Boy.
Total 12

Absent or not voting: None.
Total 0

Excused: Zinke.
Total 1

HB 93 concurred in as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Mr. President.
Total 48

Nays: Gallus.
Total 1

Absent or not voting: None.
Total 0

Excused: Zinke.
Total 1

HB 169 concurred in as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Mr. President.
Total 44

Nays: Blewett, Facey, Gallus, Kaufmann, Van Dyk.
Total 5

Absent or not voting: None.
Total 0

Excused: Zinke.
Total 1

HB 233 concurred in as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Essmann, Facey, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Mr. President.
Total 46

Nays: Erickson, Gallus, Kaufmann.
Total 3

Absent or not voting: None.
Total 0

Excused: Zinke.
Total 1

HB 252 failed as follows:
Yeas: Arthun, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Facey, Gillan, Hamlett, Hawks, Jackson, Jent, Jones, Keane, Larsen, Lewis, Moss, Olson, Priest, Tropila, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 25

Nays: Augare, Balyeat, Barrett, Blewett, Essmann, Gallus, Hinkle, Hutton, Kaufmann, Lake, Moore, Mowbray, Murphy, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tutvedt, Van Dyk, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 25

Paired: Gillan, Aye; Zinke, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 419 concurred in as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Mr. President.
Total 47

Nays: Blewett, Gallus.
Total 2

Absent or not voting: None.
Total 0

Excused: Zinke.
Total 1

SPECIAL ORDERS OF THE DAY

Senator Brown thanked the pages for their work during the week of March 7-12, 2011.

MOTIONS

Senator Jent moved **HB 12** and **HB 69** be moved from the Committee of the Whole to the Judiciary committee.

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Mr. President.
Total 42

Nays: Brenden, Jones, Priest, Ripley, Walker, Windy Boy, Wittich.
Total 7

Absent or not voting: None.
Total 0

Excused: Zinke.
Total 1

Senator Balyeat moved **HB 125** be moved from the Committee of the Whole to the Business, Labor, and Economic Affairs committee. Without objection, so ordered.

Sen. Tropila moved to reconsider the Third Reading action on **HB 252** and HB 252 be placed on Third Reading on Monday, March 14, 2011.
Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Moore, Moss, Mowbray, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Mr. President.
Total 44

Nays: Balyeat, Lewis, Murphy, Tutvedt, Wittich.
Total 5

Absent or not voting: None.
Total 0

Excused: Zinke.
Total 1

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Essmann moved that the Senate adjourn until 1:00 p.m., Monday, March 14, 2011. Motion carried.

Senate adjourned at 9:51 a.m.

MARILYN MILLER
Secretary of the Senate

JIM PETERSON
President of the Senate

SENATE JOURNAL
62ND LEGISLATURE
FIFTY-SEVENTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
March 14, 2011 — State Capitol

Senate convened at 1:00 p.m. President Peterson presiding. Invocation by Chaplain Keith Johnson. Pledge of Allegiance to the Flag. Roll Call. All members present. Quorum present.

BILLS AND JOURNALS: 3/14/2011

Correctly printed: **SB 237**, **SB 325**, **SB 333**, **SB 376**, **HB 28**, **HB 37**, **HB 52**, **HB 62**, **HB 81**, **HB 86**, **HB 99**, **HB 191**, **HB 219**, **HB 293**, **HB 348**, **HB 402**, **HB 422**, **HB 426**, **HB 497**, **SJR 17**.
Correctly engrossed: **SB 253**, **SB 288**, **SB 295**, **HB 61**, **HB 103**, **HB 380**, **HB 552**.
Correctly enrolled: **SB 19**, **SB 203**, **SB 211**, **SB 256**, **SB 258**, **SB 289**, **SB 335**, **SJR 9**.
Examined by the sponsor and found to be correct: **SB 64**, **SB 69**, **SB 72**, **SB 73**, **SB 95**, **SB 152**, **SB 165**, **SB 186**.
Signed by the Speaker at 5:00 p.m., March 11, 2011: **SB 64**, **SB 69**, **SB 72**, **SB 73**, **SB 95**, **SB 152**, **SB 165**, **SB 186**.
Signed by the President at 4:30 p.m., March 11, 2011: **SB 64**, **SB 69**, **SB 72**, **SB 73**, **SB 95**, **SB 152**, **SB 165**, **SB 186**.
Signed by the Secretary of the Senate at 4:20 p.m., March 11, 2011: **SB 64**, **SB 69**, **SB 72**, **SB 73**, **SB 95**, **SB 152**, **SB 165**, **SB 186**.
Delivered to the Governor for approval at 10:40 a.m., March 14, 2011: **SB 26**, **SB 41**, **SB 46**, **SB 51**, **SB 53**, **SB 60**, **SB 62**, **SB 64**, **SB 65**, **SB 69**, **SB 72**, **SB 73**, **SB 95**, **SB 152**, **SB 165**, **SB 186**.

LEGISLATIVE ADMINISTRATION (Brown, Chairman): 3/14/2011
MR. PRESIDENT:
We, your committee on Legislative Administration recommend that employment of the following attaches of the Senate be terminated as of 1:00 p.m., Saturday, March 12, 2011:

TITLE	NAME
Pages:	Phillip Griffin, Billings
	Ryan Halligan, Missoula
	Colter Mahlum, Bigfork
	Jackson Mahlum, Missoula
	Angella Molvig, Glasgow
	Bailey Stahl, Forsyth

and recommend that the following attaches of the Senate be employed as of 8:00 a.m., Monday, March 14, 2011:

TITLE	NAME
Pages:	Morgan Callahan, Helena
	Aaron Carpenter, Great Falls
	Jake Hood, Helena
	Rebecca Lake, Polson
	Tanner Lee, Great Falls
	Ty Show, Browning

Report Adopted.

REPORTS OF STANDING COMMITTEES

JUDICIARY (Murphy, Chairman): 3/14/2011
HB 374, be concurred in. Report adopted.
HB 456, be concurred in. Report adopted.

TAXATION (Tutvedt, Chairman): 3/14/2011
SB 372, introduced bill, be amended as follows:

1. Title, page 1, line 7.
Strike: "OVER THE REVENUE ESTIMATED AMOUNT"

2. Page 3, line 1.
Following: "(a)"
Insert: "as determined pursuant to subsection (4):
(i)"
Following: "2%;"
Strike: "and"
Insert: "or"
Insert: "(ii) for the first $3 million of taxable market value, 1.5%; and"

3. Page 3, line 2.
Strike: "$2 million"
Insert: "the applicable amount of taxable market value in subsection (3)(a)"

4. Page 3, line 3.
Strike: "If"
Insert: "The adjusted taxable market value and rate in subsection (3)(a)(i) apply for class eight property unless"
Strike: "2011"

Insert: "2012"
Strike: "percentage growth in"

5. Page 3, line 4 through line 5.
Strike: "current" on line 4 through "same" on line 5
Insert: "revenue collected from individual income tax and corporation income tax in the previous"
Strike: "0.75%, then"
Insert: "4%. In that case,"

6. Page 3, line 6 through line 9.
Strike: ":" on line 6 through "$4 million" on line 9
Insert: ", the taxable market value and rate in subsection (3)(a)(ii) apply"

7. Page 3, line 11 through line 12.
Strike: "the tax" on line 11 through "0%" on line 12
Insert: "class eight property is not taxed pursuant to subsection (3)(a)(ii)"

And, as amended, do pass. Report adopted.

MOTIONS

Senator Olson moved **SB 381** be moved from the Committee of the Whole to the Energy and Telecommunications committee.
Without objection, so ordered.

Senator Lake moved **SB 253** be moved from the Committee of the Whole to the Taxation committee.
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Caferro, Essmann, Hinkle, Hutton, Jackson, Jones, Keane, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 30

Nays: Augare, Blewett, Branae, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

REPORTS OF STANDING COMMITTEES

JUDICIARY (Murphy, Chairman): 3/14/2011
HB 95, be amended as follows:

1. Page 3, line 4.
Following: "enterprise"
Insert: "required by a contract or other agreement"

And, as amended, be concurred in. Report adopted.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Essmann moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Moore in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 120 - Senator Blewett moved **HB 120** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 385 - Senator Caferro moved **SB 385** do pass. Motion carried as follows:
Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brown, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jent, Jones, Kaufmann, Keane, Larsen, Moore, Moss, Mowbray, Murphy, Ripley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 37

Nays: Balyeat, Brenden, Buttrey, Essmann, Hinkle, Jackson, Lake, Lewis, Olson, Priest, Shockley, Walker, Wittich.
Total 13

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 78 - Senator Jones moved consideration of **HB 78** be placed at the bottom of the second reading board.
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brown, Buttrey, Facey, Gallus, Gillan, Hawks, Hinkle, Hutton, Jackson, Jent, Lake, Larsen, Moss, Mowbray, Murphy, Olson, Ripley, Shockley, Steinbeisser, Tutvedt, Van Dyk, Vincent, Walker, Williams, Zinke, Mr. President.
Total 32

Nays: Brenden, Caferro, Erickson, Essmann, Hamlett, Kaufmann, Keane, Lewis, Moore, Priest, Sonju, Stewart-Peregoy, Tropila, Vuckovich, Wanzenried, Windy Boy, Wittich.
Total 17

Absent or not voting: Jones.
Total 1

Excused: None.
Total 0

HB 98 - Senator Facey moved **HB 98** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 171 - Senator Sonju moved **HB 171** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brown, Buttrey, Caferro, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Olson, Priest, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 44

Nays: Brenden, Erickson, Essmann, Murphy, Ripley, Wittich.
Total 6

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 176 - Senator Brown moved **HB 176** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Branae, Brenden, Brown, Buttrey, Caferro, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Larsen, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Wanzenried, Windy Boy, Wittich, Zinke, Mr. President.
Total 44

Nays: Blewett, Erickson, Kaufmann, Moss, Van Dyk, Williams.
Total 6

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 287 - Senator Wittich moved **HB 287** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Larsen, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Windy Boy, Wittich, Zinke, Mr. President.
Total 45

Nays: Erickson, Kaufmann, Moss, Stewart-Peregoy, Williams.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 288 - Senator Facey moved **HB 288** be concurred in.

HB 288 - Senator Facey moved **HB 288**, second reading copy, be amended as follows:

1. Title, line 8.
Following: "RELATIVE;"
Insert: "CLARIFYING ACTIONS THAT A SCHOOL DISTRICT MAY TAKE WHEN A STUDENT WHO WAS SUBJECT TO FORMAL DISCIPLINARY ACTION AT A PREVIOUS SCHOOL SEEKS TO ENROLL;"

2. Page 5, line 1.
Following: "the school"
Insert: "district"

3. Page 5, line 1 through line 2.
Following: "which the"
Strike: "child" on line 1 through "enrolled" on line 2
Insert: "caretaker relative seeks to enroll the child may either implement the previous school district's disciplinary action without further due process or hold a hearing and determine whether the student's conduct in the previous school district merits denial of enrollment. If the district decides to enroll the child, then the school district"

4. Page 5, line 2 through line 5.
Following: "enrollment."
Strike: "DECISIONS" on line 2 through "PART 4." on line 5

Amendment adopted as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Wittich, Zinke, Mr. President.
Total 48

Nays: Kaufmann, Windy Boy.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 288 - Senator Facey moved **HB 288**, as amended, be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 356 - Senator Zinke moved **HB 356** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 367 - Senator Facey moved **HB 367** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brown, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Moore, Moss, Mowbray, Murphy, Olson, Priest, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Zinke, Mr. President.
Total 42

Nays: Brenden, Buttrey, Caferro, Hawks, Lewis, Ripley, Windy Boy, Wittich.
Total 8

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 399 - Senator Mowbray moved **HB 399** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Wittich, Zinke, Mr. President.
Total 48

Nays: Stewart-Peregoy, Windy Boy.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 78 - Senator Jones moved **HB 78** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 48

Nays: Walker, Wittich.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Essmann moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Peterson in the chair. Chairman Moore moved the Committee of the Whole report be adopted. Report adopted as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 237 passed as follows:
Yeas: Arthun, Barrett, Brenden, Brown, Buttrey, Caferro, Essmann, Hamlett, Hutton, Jackson, Jent, Jones, Keane, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Vuckovich, Walker, Wittich, Zinke, Mr. President.
Total 31

Nays: Augare, Balyeat, Blewett, Branae, Erickson, Facey, Gallus, Gillan, Hawks, Hinkle, Kaufmann, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried, Williams, Windy Boy.
Total 19

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 29 concurred in as follows:
Yeas: Arthun, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Murphy, Olson, Priest, Ripley, Shockley, Sonju,

Steinbeisser, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 45

Nays: Augare, Gallus, Mowbray, Stewart-Peregoy, Wittich.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 62 concurred in as follows:
Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Facey, Gillan, Hamlett, Hawks, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 44

Nays: Balyeat, Essmann, Gallus, Hinkle, Hutton, Vincent.
Total 6

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 81 concurred in as follows:
Yeas: Augare, Blewett, Branae, Brown, Buttrey, Caferro, Erickson, Facey, Gillan, Hamlett, Hawks, Jent, Jones, Kaufmann, Keane, Larsen, Lewis, Moore, Moss, Murphy, Olson, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 28

Nays: Arthun, Balyeat, Barrett, Brenden, Essmann, Gallus, Hinkle, Hutton, Jackson, Lake, Mowbray, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 86 concurred in as follows:
Yeas: Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Facey, Gillan, Hamlett, Hawks, Jent, Jones, Kaufmann, Keane, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Ripley, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Mr. President.
Total 35

Nays: Arthun, Essmann, Gallus, Hinkle, Hutton, Jackson, Lake, Olson, Priest, Sonju, Tutvedt, Vincent, Walker, Wittich, Zinke.
Total 15

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 191 concurred in as follows:
Yeas: Arthun, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 47

Nays: Augare, Gallus, Gillan.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 252 concurred in as follows:
Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Windy Boy, Mr. President.
Total 41

Nays: Balyeat, Gallus, Hinkle, Lake, Larsen, Tutvedt, Williams, Wittich, Zinke.
Total 9

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SPECIAL ORDERS OF THE DAY

Mr. President, I move that the following undersigned name be **ADDED** as sponsor to **SB 403**
Motion carried.

SB 403 (Jones, Chief Sponsor)
Senators Arthun, Buttrey, Lewis, J. Peterson, Ripley, Tutvedt, Zinke.
Representatives Cook, Hollandsworth, O'Hara.

Senator Brown introduced the Senate pages for the week of March 14-19, 2011.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Senator Wanzenried requested an update on HB 2 and HJR 2 and when those bills would arrive in the Senate. President Peterson explained HJR would be heard in the House on Thursday but could not predict what would occur after that.

Majority Leader Essmann moved that the Senate adjourn until 1:00 p.m., Tuesday, March 15, 2011. Motion carried.

Senate adjourned at 2:06 a.m.

MARILYN MILLER
Secretary of the Senate

JIM PETERSON
President of the Senate

SENATE JOURNAL
62ND LEGISLATURE
FIFTY-EIGHTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
March 15, 2011 — State Capitol

Senate convened at 1:00 p.m. President Peterson presiding. Invocation by Chaplain Keith Johnson. Pledge of Allegiance to the Flag. Roll Call. All members present, except Senators Gallus, Gillan excused. Quorum present.

Senator Gallus present.

Senator Gillan present.

"Expressions of Silence," from the Montana School for the Deaf and the Blind, performed a variety of songs using sign language and dance.

BILLS AND JOURNALS: 3/15/2011

Correctly printed: **SB 385**, **HB 78**, **HB 98**, **HB 120**, **HB 171**, **HB 176**, **HB 374**, **HB 456**.
Correctly engrossed: **SB 372**, **HB 95**, **HB 287**, **HB 288**, **HB 356**, **HB 367**, **HB 399**.
Examined by the sponsor and found to be correct: **SB 19**, **SB 203**, **SB 211**, **SB 256**, **SB 258**, **SB 289**, **SB 335**, **SJR 9**.
Signed by the Speaker at 2:30 p.m., March 15, 2011: **SB 19**, **SB 203**, **SB 211**, **SB 256**, **SB 258**, **SB 289**, **SB 335**, **SJR 9**.
Signed by the President at 4:50 p.m., March 14, 2011: **SB 19**, **SB 203**, **SB 211**, **SB 256**, **SB 258**, **SB 289**, **SB 335**, **SJR 9**.
Signed by the Secretary of the Senate at 3:40 p.m., March 14, 2011: **SB 19**, **SB 203**, **SB 211**, **SB 256**, **SB 258**, **SB 289**, **SB 335**, **SJR 9**.

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Balyeat, Chairman): 3/15/2011
HB 324, be concurred in. Report adopted.

JUDICIARY (Murphy, Chairman): 3/15/2011
HB 141, be concurred in. Report adopted.
HB 446, be concurred in. Report adopted.

LOCAL GOVERNMENT (Sonju, Chairman): 3/14/2011
HB 181, be concurred in. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Priest, Chairman): 3/14/2011

HB 526, be amended as follows:

1. Page 1, line 28.
Strike: "even though health care regulation is properly the authority and responsibility of the states."
Insert: "and placed increasing strain on state budgets, impairing other responsibilities such as education, infrastructure, and public safety."

2. Page 2, line 15.
Following: "services,"
Strike: "or"
Following: "supplies"
Insert: ", or plans"

3. Page 2, line 19.
Strike: "and"

4. Page 2, line 20.
Strike: "."
Insert: "; and"
Following: line 20
Insert: "(iii) an individual or group plan that provides or pays the cost of care, services, or supplies related to the health of an individual."

5. Page 2, line 21.
Strike: "goods and services"
Insert: "any care, services, supplies, or plans"

6. Page 2, line 22.
Following: "affairs"
Insert: "or provided to Indians"

7. Page 2, line 28.
Following: "compact"
Insert: "in order to return the authority to regulate health care to the member states consistent with the goals and principles articulated in this compact"

8. Page 3.

Following: line 5
Strike: line 6 through line 8
Insert: "Each member state, within its state, may suspend by legislation the operation of all federal laws, rules, regulations, and orders regarding health care that are inconsistent with the laws and regulations adopted by the member state pursuant to the compact. Federal laws, rules, regulations, and orders regarding health care remain in effect unless a member state expressly suspends them pursuant to its authority under the compact. For any federal law, rule, regulation, or order that remains in effect in a member state after [the effective date

of this act], that member state is responsible for the associated funding obligations in its state."

9. Page 3, line 30.
Following: "reconciled"
Insert: "by the congress of the United States"

10. Page 4, line 17.
Strike: "costs"
Insert: "prices"

11. Page 4, line 18.
Following: "."
Insert: "Notwithstanding any other provision in the compact, no member state may disclose to the commission the health information of any individual, nor shall the commission disclose the health information of any individual."

12. Page 4, line 29.
Strike: "the"
Insert: "at least two"

13. Page 5, line 1.
Strike: "and to supersede"
Insert: "pursuant to this compact and to suspend the operation of"

14. Page 5, line 2.
Strike: "law"
Insert: "laws, rules, regulations, and orders"

15. Page 5, line 7.
Following: "by"
Insert: "unanimous"
Following: "states"
Strike: remainder of line 7 through line 8
Insert: "without the prior consent or approval of the congress of the United States."

16. Page 5, line 9.
Following: "(2)"
Strike: remainder of line 9 through line 10
Insert: "Any amendment is effective unless, within 1 year, the congress of the United States disapproves the amendment."

17. Page 5, line 11.
Following: "(3) "
Strike: remainder of line 11 through line 13

Insert: "Any state may join the compact after the date on which the congress of the United States consents to the compact by adopting the compact into law under its state constitution."

18. Page 5.
Following: line 16
Insert: "(2) Withdrawal may not take effect until 6 months after the governor of the withdrawing member state has given notice of the withdrawal to the other member states.
(3) A withdrawing state is liable for any obligations that it may have incurred prior to the date its withdrawal becomes effective."
Renumber: subsequent subsections

And, as amended, be concurred in. Report adopted.

HB 573, be concurred in. Report adopted.

STATE ADMINISTRATION (Shockley, Chairman): 3/14/2011
HB 484, be concurred in. Report adopted.

TAXATION (Tutvedt, Chairman): 3/15/2011
SB 253, introduced bill, be amended as follows:

1. Title, page 1, line 8.
Strike: "THE QUALIFIED ENDOWMENTS CREDIT,"

2. Title, page 1, line 22.
Strike: "15-1-230,"

3. Title, page 1, line 23.
Strike: "15-30-2327, 15-30-2328, 15-30-2329,"

4. Title, page 1, line 24.
Strike: "15-31-161, 15-31-162,"

5. Page 30, line 3.
Strike: line 3 in its entirety

6. Page 30, line 6 through line 9.
Strike: line 6 through line 9 in their entirety

7. Page 30, line 16 through line 20.
Strike: line 16 through line 20 in their entirety

8. Page 32, line 22.
Insert: "COORDINATION SECTION. **Section 18. Coordination instruction.** If Senate Bill No. 372 is not passed and approved, then [this act] is void."

Renumber: subsequent section

And, as amended, do pass. Report adopted.

SB 358, introduced bill, be amended as follows:

1. Title, line 4.
Strike: "URBAN RENEWAL AND"

2. Title, line 6.
Strike: "URBAN RENEWAL AREAS AND"

3. Title, page 1, line 7.
Following: "FINANCING;"
Insert: "REMOVING SCHOOL RETIREMENT AND STATE SCHOOL MILLS FROM THE INCREMENTAL VALUE WITHIN TAX INCREMENT FINANCE PROVISIONS FOR AN AREA OR DISTRICT THAT EXCEEDS 640 ACRES, INCLUDING ADJACENT AREAS OR DISTRICTS;"

4. Title, line 10 through line 15.
Strike: "7-15-4202" on line 10 through "7-15-4281," on line 15
Strike: "7-15-4285," on line 15
Strike: "7-15-4287," on line 15

5. Title, line 16.
Strike: "7-15-4289,"
Strike: "7-15-4291,"

6. Title, line 17.
Strike: "7-15-4305" through "7-15-4323,"
Insert: "AND"
Following: "7-15-4324,"
Strike: "AND 71-3-1506,"

7. Page 1, line 27.
Strike: "local governments"
Insert: "municipalities"

8. Page 1, line 29.
Strike: "local governments"
Insert: "municipalities"

9. Page 1, line 30.
Following: "impeding"
Strike: "the"

Insert: "their"
Following: "ability"
Strike: "of local governments"

10. Page 2, line 8.
Strike: "local governing body"
Insert: "municipality"

11. Page 2, line 19 through line 20.
Strike: "local governing body"
Insert: "municipality"

12. Page 2, line 23.
Strike: "local governing body"
Insert: "municipality"

13. Page 2, line 24.
Strike: "local governing body"
Insert: "municipality"

14. Page 3, line 7.
Strike: "local governing body"
Insert: "municipality"

15. Page 3, line 9.
Strike: "local government"
Insert: "municipality"

16. Page 3, line 10 through line 11.
Strike: "local government"
Insert: "municipality"

17. Page 3, line 13 through page 26, line 6.
Strike: section 5 through section 45 in their entirety
Renumber: subsequent sections

18. Page 26, line 18.
Following: "7-15-4294"
Insert: "and [sections 1 through 4]"

19. Page 27.
Following: line 15
Insert: "(4) "Municipality", for the purposes of a targeted economic development district, means any incorporated city or town, a county, or a city-county consolidated local government."
Renumber: subsequent subsections

20. Page 28, line 5.
Strike: "local government"
Insert: "municipality"

21. Page 28, line 9.
Strike: "resolution,"

22. Page 28, line 12 through line 16.
Strike: section 49 in its entirety
Renumber: subsequent sections

23. Page 28, line 27 through line 28.
Following: "bodies"
Insert: "as specified in subsection (2)(b)"
Strike: ", except for the university system mills levied and assessed against property," on lines 27 and 28

24. Page 28, line 29.
Strike: "local government"
Insert: "municipality"

25. Page 28.
Following: line 29
Insert: "(b) If the size of the area or district is less than 640 acres, the tax increment does not include university system mills assessed against the property. If the size of the area or district is 640 acres or greater or if the acreage of other areas or districts within 5 miles of the boundary of the area or district when added to the number of acres in the area or district equals or exceeds 640 acres, the tax increment does not include university system mills or school mills levied under 20-9-331, 20-9-333, and 20-9-360."
Renumber: subsequent subsections

26. Page 29, line 3 through line 19.
Strike: section 51 in its entirety
Renumber: subsequent sections

27. Page 29, line 23.
Strike: "local governing body"
Insert: "municipality"

28. Page 30, line 15.
Strike: "local government"
Insert: "municipality"

29. Page 31, line 1 through line 4.
Strike: section 53 in its entirety

Renumber: subsequent sections

30. Page 31, line 22.
Strike: "local government"
Insert: "municipality"

31. Page 31, line 25.
Strike: "local government"
Insert: "municipality"

32. Page 31, line 28.
Strike: "local government"
Insert: "municipality"

33. Page 31, line 30.
Strike: "local government"
Insert: "municipality"

34. Page 32, line 4 through line 8.
Strike: section 55 in its entirety
Renumber: subsequent sections

35. Page 32, line 20.
Strike: "local government"
Insert: "municipality"

36. Page 32, line 23 through line 24.
Strike: "local government"
Insert: "municipality"

37. Page 33, line 19.
Strike: "local"

38. Page 33, line 20.
Following: "~~municipality~~"
Insert: "of a municipality"

39. Page 33, line 22.
Strike: "local governing body"
Insert: "municipality"

40. Page 34, line 10.
Strike: "local governing body"
Insert: "municipality"

41. Page 35, line 1.
Strike: "local"
Following: "~~municipality~~"
Insert: "of the municipality"

42. Page 35, line 7.
Strike: "local government"
Insert: "municipality"

43. Page 35, line 9.
Strike: "local governing body's"
Insert: "municipality's"

44. Page 35, line 16.
Strike: "local government"
Insert: "municipality"

45. Page 35, line 23 through line 24.
Strike: "local government"
Insert: "municipality"

46. Page 35, line 25.
Strike: "local government"
Insert: "municipality"

47. Page 35, line 29.
Strike: "local government"
Insert: "municipality"

48. Page 35, line 30.
Strike: "local government"
Insert: "municipality"

49. Page 36, line 1.
Strike: "local government"
Insert: "municipality"

50. Page 36, line 5 through line 6.
Strike: "local government"
Insert: "municipality"

51. Page 36, line 9.
Strike: "local"
Following: "~~municipality~~"
Insert: "of the municipality"

52. Page 36, line 18.
Strike: "local government"
Insert: "municipality"

53. Page 36, line 21 through line 22.
Strike: "local government"
Insert: "municipality"

54. Page 36, line 27.
Strike: "local government"
Insert: "municipality"

55. Page 37, line 1.
Strike: "local governing body"
Insert: "municipality"

56. Page 37, line 8.
Strike: "local government"
Insert: "municipality"

57. Page 37, line 15 through page 39, line 3.
Strike: section 62 through section 65 in their entirety
Renumber: subsequent sections

58. Page 39, line 13.
Strike: "local"

59. Page 39, line 16.
Strike: "local governing body"
Insert: "municipality"

60. Page 39, line 20 through line 23.
Strike: section 67 in its entirety
Renumber: subsequent sections

61. Page 39, line 29 through line 30.
Strike: "local governing body"
Insert: "municipality"

And, as amended, do pass. Report adopted.

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 407, introduced by Lake, referred to Taxation.
SB 408, introduced by Kaufmann, referred to Taxation.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Essmann moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Wanzenried in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 67 - **House Amendments** - Senator Shockley moved House amendments to **SB 67** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 110 - Senator Brenden moved **SB 110** do pass. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 199 - Senator Balyeat moved **SB 199** do pass. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hamlett, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tropila, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 30

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 288 - Senator Gillan moved **SB 288** do pass. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 312 - Senator Vincent moved **SB 312** do pass.

SB 312 - Senator Hamlett moved **SB 312**, second reading copy, be amended as follows:

1. Page 18, line 29.
Strike: "50"
Insert: "10"

Amendment **not** adopted as follows:
Yeas: Augare, Blewett, Branae, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Jones, Kaufmann, Larsen, Moss, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Nays: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Hinkle, Hutton, Jackson, Keane, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 312 - Thereupon, the Senate reverted to the original motion of Senator Vincent which passed as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hamlett, Hinkle, Hutton, Jackson, Jones, Keane, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Vuckovich, Walker, Wittich, Zinke, Mr. President.
Total 31

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hawks, Jent, Kaufmann, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried, Williams, Windy Boy.
Total 19

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 325 - Senator Balyeat moved **SB 325** do pass. Motion **failed** as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Steinbeisser, Vincent, Wittich, Zinke, Mr. President.
Total 24

Nays: Augare, Blewett, Branae, Brown, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Sonju, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Williams, Windy Boy.
Total 26

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Due to the two-thirds voting requirement, **SB 325** will proceed to Third Reading.

SB 329 - Senator Zinke moved **SB 329** do pass. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 333 - Senator Shockley moved **SB 333** do pass. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 347 - Senator Lake moved **SB 347** do pass. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 28 - Senator Hamlett moved **HB 28** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 46

Nays: Jackson, Mowbray, Tutvedt, Wittich.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 37 - Senator Walker moved **HB 37** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 61 - Senator Wittich moved **HB 61** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brown, Buttrey, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Wittich, Zinke, Mr. President.
Total 44

Nays: Brenden, Essmann, Keane, Lake, Tutvedt, Windy Boy.
Total 6

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 70 - Senator Jent moved **HB 70** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brown, Caferro, Erickson, Essmann, Facey, Gallus, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Windy Boy, Mr. President.
Total 41

Nays: Brenden, Buttrey, Gillan, Priest, Ripley, Sonju, Walker, Wittich, Zinke.
Total 9

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 426 - Senator Brown moved **HB 426** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro,

Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 325 - Senator Gallus moved **SB 325** be **indefinitely postponed**. Motion **failed** as follows:
Yeas: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Nays: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Essmann moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Peterson in the chair. Chairman Wanzenried moved the Committee of the Whole report be adopted. Report adopted as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 385 passed as follows:
Yeas: Augare, Barrett, Blewett, Branae, Brown, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jent, Jones, Kaufmann, Keane, Larsen, Moore, Moss, Murphy, Ripley, Shockley, Sonju, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 35

Nays: Arthun, Balyeat, Brenden, Buttrey, Essmann, Hinkle, Jackson, Lake, Lewis, Mowbray, Olson, Priest, Steinbeisser, Walker, Wittich.
Total 15

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 78 concurred in as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: Gallus.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 98 concurred in as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: Gallus.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 120 concurred in as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: Gallus.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 171 concurred in as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brown, Buttrey, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Olson, Priest, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 44

Nays: Brenden, Essmann, Hutton, Murphy, Ripley, Wittich.
Total 6

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 176 concurred in as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Branae, Brenden, Brown, Buttrey, Caferro, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Larsen, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Vincent, Vuckovich, Walker, Wanzenried, Windy Boy, Wittich, Zinke, Mr. President.
Total 43

Nays: Blewett, Erickson, Kaufmann, Moss, Tutvedt, Van Dyk, Williams.
Total 7

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 287 concurred in as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Windy Boy, Wittich, Zinke, Mr. President.
Total 45

Nays: Erickson, Kaufmann, Larsen, Moss, Williams.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 356 concurred in as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Facey, Gillan, Hamlett, Hawks, Hinkle, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Priest, Ripley, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried,

Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 45

Nays: Essmann, Gallus, Hutton, Olson, Sonju.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 367 concurred in as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brown, Buttrey, Erickson, Essmann, Facey, Gillan, Hamlett, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Shockley, Sonju, Stewart-Peregoy, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 43

Nays: Brenden, Caferro, Gallus, Hawks, Ripley, Steinbeisser, Van Dyk.
Total 7

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 399 concurred in as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Wittich, Zinke, Mr. President.
Total 47

Nays: Gallus, Stewart-Peregoy, Windy Boy.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

MESSAGES FROM THE OTHER HOUSE

House bill passed and transmitted to the Senate for concurrence: 3/15/2011

HB 2, introduced by McNutt

FIRST READING AND COMMITMENT OF BILLS

The following House bill was introduced, read first time, and referred to committee:

HB 2, introduced by McNutt (by request of the Office of Budget and Program Planning), referred to Finance and Claims.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Essmann moved that the Senate adjourn until 1:00 p.m., Wednesday, March 16, 2011. Motion carried.

Senate adjourned at 2:54 p.m.

MARILYN MILLER
Secretary of the Senate

JIM PETERSON
President of the Senate

SENATE JOURNAL
62ND LEGISLATURE
FIFTY-NINTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
March 16, 2011 — State Capitol

Senate convened at 1:00 p.m. President Peterson presiding. Invocation by Chaplain Keith Johnson. Pledge of Allegiance to the Flag. Roll Call. All members present. Quorum present.

SPECIAL ORDERS OF THE DAY

Senator Hawks read the following Joint Proclamation:

A JOINT PROCLAMATION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA RECOGNIZING THE RUNNING ACCOMPLISHMENTS OF PATRICK CASEY:

WHEREAS, Patrick Casey, a native of Laurel, Montana, has been a high school running champion, a top NCAA runner at Montana State University, and a USA Track and Field Champion; and

WHEREAS, Patrick Casey has been named an All-American track and field athlete; and

WHEREAS, a 4-minute mile has long been regarded as the Gold Standard of Middle Distance Running; and

WHEREAS, on February 4, 2011, Patrick Casey ran the One Mile Run in Bozeman's Brick Breeden Fieldhouse in 3 minutes, 59.76 seconds; and

WHEREAS, Patrick Casey has officially become the first runner to break the 4-minute mile in Montana.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA: That Patrick Casey of Laurel, Montana, is hereby officially recognized by the Montana Legislature for his outstanding athletic achievement in running the first "Sub-4 Minute Mile in Montana."

Senate President — Speaker of the House
Jim Peterson — Mike Milburn

Senator Bob Hawks — Representative Kathleen Williams

Senator Gallus excused.

BILLS AND JOURNALS: 3/16/2011

Correctly printed: **SB 110**, **SB 199**, **SB 288**, **SB 312**, **SB 325**, **SB 329**, **SB 333**, **SB 347**, **HB 28**, **HB 37**, **HB 61**, **HB 70**, **HB 141**, **HB 181**, **HB 324**, **HB 426**, **HB 446**, **HB 484**, **HB 573**.

Correctly engrossed: **SB 253**, **SB 358**, **HB 526**.
Delivered to the Secretary of State at 9:07 a.m., March 16, 2011: **SJR 9**.

Mr. President: We, your committee on Bills and Journals, having examined the daily journals for the forty-first, forty-second, forty-third, forty-fourth, and forty-fifth legislative days, find the same to be correct.

Senator Brown, Chair

REPORTS OF STANDING COMMITTEES

AGRICULTURE, LIVESTOCK AND IRRIGATION (Steinbeisser, Chairman): 3/15/2011
HB 273, be concurred in. Report adopted.
SJR 15, do pass. Report adopted.

FISH AND GAME (Brenden, Chairman): 3/15/2011
SB 402, introduced bill, be amended as follows:

1. Page 2, line 20.
Strike: "and"

2. Page 2, line 21.
Following: line 20
Insert: "(ii) the commission forbids the hunting of pups or females with pups; and"
Renumber: subsequent subsection

And, as amended, do pass. Report adopted.

HB 336, be amended as follows:

1. Page 2, line 18.
Strike: "or wolf"

2. Page 2, line 26.
Strike: "or wolf"

And, as amended, be concurred in. Report adopted.

HB 337, be concurred in. Report adopted.

HB 536, be concurred in. Report adopted.

HIGHWAYS AND TRANSPORTATION (Jones, Chairman): 3/15/2011
SB 251, introduced bill, be amended as follows:

1. Title, page 1, line 5.
Following: "DEVICES"
Insert: "TO WRITE, SEND, OR READ A TEXT-BASED COMMUNICATION"

2. Page 1, line 10 through page 3, line 17.
Strike: section 1 in its entirety
Insert: "NEW SECTION. **Section 1. Use of mobile electronic device by motor vehicle operators prohibited.** (1) A person may not operate a motor vehicle while using a mobile electronic device to write, send, or read a text-based communication.

(2) For the purposes of this section, a person is not considered to be writing, sending, or reading a text-based communication if the person reads, selects, or enters a telephone number or name in a mobile electronic device for the purpose of making or receiving a telephone call.

(3) The provisions of this section may not be construed as authorizing the seizure or forfeiture of a mobile electronic device unless otherwise provided by law.

(4) A person who violates subsection (1) shall be fined not more than $100. A violation of this section may not be recorded or charged against a driver's record, points may not be assessed against the driver's record pursuant to 61-11-203, and an insurance company may not hold a violation of this section against the insured.

(5) An operator of a motor vehicle who commits a moving violation, as defined in 61-11-203, while writing, sending, or reading a text-based communication shall be fined $100 in addition to any penalty or fine imposed for the moving violation.

(6) This section does not apply to an emergency services provider, as defined in 50-16-701, using a mobile electronic device while operating an authorized emergency vehicle in the course and scope of the provider's duties.

(7) (a) As used in this section, "write, send, or read a text-based communication" means using a mobile electronic device to communicate manually with any person using text-based communication, including but not limited to communications referred to as a text message, instant message, or electronic mail.

(b) The term does not include the use of a global positioning or navigation system."

And, as amended, do pass. Report adopted.

HB 401, be concurred in. Report adopted.
HB 523, be concurred in. Report adopted.
HJR 17, be concurred in. Report adopted.

MESSAGES FROM THE OTHER HOUSE

HB 47 - The House failed to concur in Senate amendments to **HB 47,** authorized the Speaker to appoint the following Conference Committee, and requested that the Senate appoint a like committee to confer on **HB 47:**

3/15/2011

Representative K. Peterson, Vice Chair
Representative Kennedy
Representative Phillips

MOTIONS

Senator Erickson moved **SB 358** be moved from the Committee of the Whole committee to the Taxation committee. Without objection, so ordered.

Senator Gallus present.

Senator Murphy moved **SB 178** be moved from the Business, Labor, and Economic Affairs committee and brought before the Committee of the Whole and placed on Second Reading on Monday, March 21, 2011. Motion **failed** as follows:
Yeas: Arthun, Augare, Brenden, Caferro, Essmann, Gallus, Gillan, Hamlett, Hinkle, Hutton, Jackson, Jones, Lewis, Mowbray, Murphy, Priest, Ripley, Shockley, Tropila, Vincent, Walker, Wanzenried, Windy Boy, Wittich.
Total 24

Nays: Balyeat, Barrett, Blewett, Branae, Brown, Buttrey, Erickson, Facey, Hawks, Jent, Kaufmann, Keane, Lake, Larsen, Moore, Moss, Olson, Sonju, Steinbeisser, Stewart-Peregoy, Tutvedt, Van Dyk, Vuckovich, Williams, Zinke, Mr. President.
Total 26

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Gillan moved that **SB 377** be taken from Taxation and brought before the Committee of the Whole and placed on Second Reading on Friday, March 18, 2011. Motion **failed** as follows:
Yeas: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Nays: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Absent or not voting: None.
Total 0

Excused: None.
Total 0

FIRST READING AND COMMITMENT OF BILLS

The following Senate bill was introduced, read first time, and referred to committee:

SB 409, introduced by Tutvedt, referred to Natural Resources.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Essmann moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Mowbray in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 376 - Senator Lake moved **SB 376** do pass. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: Larsen.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 42 - Senator Keane moved **HB 42** be concurred in.

HB 42 - Senator Keane moved **HB 42**, second reading copy, be amended as follows:

1. Page 3, line 15.
Strike: "2017"
Insert: "2019"

2. Page 3, line 17.
Strike: "1.23%"
Insert: "0.237%"

3. Page 3, line 18.
Strike: "1.45%"
Insert: "2.16%"

4. Page 3, line 20.
Strike: "1.45%"
Insert: "2.02%"

5. Page 3, line 22.
Strike: "2.95%"
Insert: "2.655%"

6. Page 3, line 26.
Strike: "2017"
Insert: "2019"

7. Page 3, line 27.
Strike: "2.16%"
Insert: "3.06%"

8. Page 3, line 28.
Strike: "2.02%"
Insert: "2.14%"

9. Page 4, line 21.
Strike: "2017"
Insert: "2019"

10. Page 4, line 24.
Strike: "2017"
Insert: "2019"

Amendment adopted as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 42 - Senator Keane moved **HB 42**, as amended, be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 52 - Senator Walker moved **HB 52** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 59 - Senator Vincent moved **HB 59** be concurred in.

HB 59 - Senator Moss moved **HB 59**, second reading copy, be amended as follows:

1. Page 2, line 30.
Following: "of"
Insert: "generation capacity at"
Strike: "that" through "capacity"
Insert: "when construction of the expansion commences"

2. Page 6, line 16.
Following: "case of"
Insert: "generation capacity at"

3. Page 6, line 17.
Strike: "that" through "capacity"
Insert: "when construction of the expansion commences"

4. Page 8, line 2.
Strike: "begin operating"
Insert: "commence construction"

Amendment **not** adopted as follows:
Yeas: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hawks, Jent, Jones, Kaufmann, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 21

Nays: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hamlett, Hinkle, Hutton, Jackson, Keane, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 29

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 59 - Thereupon, the Senate reverted to the original motion of Senator Vincent which passed as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Gallus, Gillan, Hamlett, Hinkle, Hutton, Jackson, Jones, Keane, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Windy Boy, Wittich, Zinke, Mr. President.
Total 37

Nays: Blewett, Branae, Caferro, Erickson, Facey, Hawks, Jent, Kaufmann, Larsen, Moss, Van Dyk, Wanzenried, Williams.
Total 13

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 99 - Senator Blewett moved **HB 99** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 48

Nays: Murphy, Wittich.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 103 - Senator Wittich moved **HB 103** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Vincent, Vuckovich, Walker, Wanzenried, Williams, Wittich, Zinke, Mr. President.
Total 46

Nays: Blewett, Tutvedt, Van Dyk, Windy Boy.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 213 - Senator Caferro moved **HB 213** be concurred in.

HB 213 - Senator Caferro moved **HB 213**, second reading copy, be amended as follows:

1. Title, page 1, line 13.
Following: "61-5-102,"
Insert: "61-6-158,"

2. Page 31.
Following: line 3
Insert: "Section 12. Section 61-6-158, MCA, is amended to read:

"61-6-158. Vehicle insurance verification and license plate operating account. (1) There is a vehicle insurance verification and license plate operating account in the state special revenue fund type as provided in 17-2-102.

(2) Fees imposed under 61-3-321(7)(b)(ii) and ~~(12)~~ (13), 61-3-333, 61-3-465(1)(b)(i), 61-3-480(2)(c)(i), or 61-3-562(1)(a)(ii) or established and collected under 61-6-105 must be deposited in the account.

(3) The money in the vehicle insurance verification and license plate operating account must be used by the department to pay costs incurred in or associated with the operation, maintenance, and enhancement of the system established under 61-6-157 and the contract required in 61-3-338 for the manufacture and distribution of license plates by Montana correctional enterprises.""
Renumber: subsequent sections

Amendment adopted as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 213 - Senator Caferro moved **HB 213**, as amended, be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich,

Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 47

Nays: Priest, Walker, Wittich.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 251 - Senator Blewett moved **HB 251** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: Stewart-Peregoy.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 254 - Senator Sonju moved **HB 254** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 270 - Senator Zinke moved **HB 270** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 300 - Senator Moore moved **HB 300** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 348 - Senator Kaufmann moved **HB 348** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 47

Nays: Brenden, Hinkle, Walker.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 374 - Senator Larsen moved **HB 374** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 380 - Senator Olson moved **HB 380** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 46

Nays: Essmann, Priest, Walker, Wittich.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 552 - Senator Buttrey moved **HB 552** be concurred in. Motion carried as follows:
Yeas: Augare, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Gallus, Hamlett, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Windy Boy, Mr. President.

Total 36

Nays: Arthun, Balyeat, Barrett, Essmann, Facey, Hawks, Hinkle, Hutton, Larsen, Ripley, Walker, Wittich, Zinke.
Total 13

Absent or not voting: None.
Total 0

Excused: Gillan.
Total 1

Senator Gillan excused.

Senator Essmann moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Peterson in the chair. Chairman Mowbray moved the Committee of the Whole report be adopted. Report adopted as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Gillan.
Total 1

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 67, **as amended by the House**, passed as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Gillan.
Total 1

SB 110 passed as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Vuckovich, Walker, Wittich, Zinke, Mr. President.
Total 29

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried, Williams, Windy Boy.
Total 20

Absent or not voting: None.
Total 0

Excused: Gillan.
Total 1

SB 199 passed as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hamlett, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 29

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 20

Absent or not voting: None.
Total 0

Excused: Gillan.
Total 1

SB 288 passed as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro,

Erickson, Essmann, Facey, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 48

Nays: Gallus.
Total 1

Absent or not voting: None.
Total 0

Excused: Gillan.
Total 1

SB 312 passed as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hamlett, Hinkle, Hutton, Jackson, Jones, Keane, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Vuckovich, Walker, Wittich, Zinke, Mr. President.
Total 31

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Hawks, Jent, Kaufmann, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried, Williams, Windy Boy.
Total 18

Absent or not voting: None.
Total 0

Excused: Gillan.
Total 1

SB 325 passed as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 26

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jent, Kaufmann, Keane, Larsen, Moss, Murphy, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 24

Paired: Brown, Aye; Gillan, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 329 passed as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Erickson, Essmann, Facey, Gallus, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 48

Nays: Caferro.
Total 1

Absent or not voting: None.
Total 0

Excused: Gillan.
Total 1

SB 333 passed as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 48

Nays: Gallus.
Total 1

Absent or not voting: None.
Total 0

Excused: Gillan.
Total 1

SB 347 passed as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann,

Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 48

Nays: Gallus.
Total 1

Absent or not voting: None.
Total 0

Excused: Gillan.
Total 1

HB 28 concurred in as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 46

Nays: Gallus, Tutvedt, Wittich.
Total 3

Absent or not voting: None.
Total 0

Excused: Gillan.
Total 1

HB 37 concurred in as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Gillan.
Total 1

HB 61 concurred in as follows:
Yeas: Arthun, Barrett, Branae, Brown, Buttrey, Caferro, Erickson, Facey, Hamlett, Hawks, Hinkle, Jackson, Jent, Jones, Kaufmann, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Wittich, Zinke, Mr. President.
Total 36

Nays: Augare, Balyeat, Blewett, Brenden, Essmann, Gallus, Hutton, Keane, Lake, Olson, Priest, Tutvedt, Windy Boy.
Total 13

Absent or not voting: None.
Total 0

Excused: Gillan.
Total 1

HB 70 concurred in as follows:
Yeas: Augare, Balyeat, Barrett, Blewett, Branae, Brown, Caferro, Erickson, Essmann, Facey, Gallus, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Shockley, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Windy Boy, Mr. President.
Total 39

Nays: Arthun, Brenden, Buttrey, Priest, Ripley, Sonju, Steinbeisser, Walker, Wittich, Zinke.
Total 10

Absent or not voting: None.
Total 0

Excused: Gillan.
Total 1

HB 288 concurred in as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 47

Nays: Gallus, Wittich.

Total 2

Absent or not voting: None.
Total 0

Excused: Gillan.
Total 1

HB 426 concurred in as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 48

Nays: Gallus.
Total 1

Absent or not voting: None.
Total 0

Excused: Gillan.
Total 1

SPECIAL ORDERS OF THE DAY

Mr. President, I move that the following undersigned names be **ADDED** as sponsors to **SB 404**
Motion carried.

SB 404 (Blewett, Chief Sponsor)
Representative Hill
Senator Van Dyk.

MOTIONS

Senator Walker moved to change his vote on **HB 70** from Yes to No. Without objection, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Essmann moved that the Senate adjourn until 1:00 p.m., Thursday, March 17, 2011. Motion carried.

Senate adjourned at 2:45 a.m.

MARILYN MILLER
Secretary of the Senate

JIM PETERSON
President of the Senate

SENATE JOURNAL
62ND LEGISLATURE
SIXTIETH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
March 17, 2011 — State Capitol

Senate convened at 1:00 p.m. President Peterson presiding. Invocation by Chaplain Keith Johnson. Pledge of Allegiance to the Flag. Roll Call. All members present, except Senator Blewett, excused. Quorum present.

BILLS AND JOURNALS: 3/17/2011

Correctly printed: **SB 376**, **SJR 15**, **HB 52**, **HB 59**, **HB 99**, **HB 103**, **HB 251**, **HB 254**, **HB 273**, **HB 300**, **HB 337**, **HB 380**, **HB 401**, **HB 523**, **HB 536**, **HB 552**, **HJR 17**.
Correctly engrossed: **SB 251**, **SB 402**, **HB 42**, **HB 213**, **HB 270**, **HB 336**, **HB 348**, **HB 374**.
Delivered to the Governor for approval at 3:30 p.m., March 16, 2011: **SB 19**, **SB 203**, **SB 211**, **SB 256**, **SB 258**, **SB 289**, **SB 335**.

Senator Blewett present.

REPORTS OF STANDING COMMITTEES

NATURAL RESOURCES (Barrett, Chairman): 3/16/2011
HB 352, be amended as follows:
1. Title, page 1, line 7.
Strike: "AND"
Following: "MCA"
Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

2. Page 1.
Following: line 27
Insert: "NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval."

And, as amended, be concurred in. Report adopted.

HB 481, be concurred in. Report adopted.
HB 568, be concurred in. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Priest, Chairman): 3/16/2011
HB 25, be concurred in. Report adopted.
HB 559, be concurred in. Report adopted.

MESSAGES FROM THE OTHER HOUSE

Senate bills passed and transmitted to the Senate for concurrence: 3/16/2011

SB 34, introduced by Essmann
SB 106, introduced by Priest

Senate amendments to House bills concurred in: 3/16/2011

HB 63, introduced by Noonan
HB 126, introduced by Hansen
HB 187, introduced by Connell
HB 327, introduced by McClafferty

House bills passed and transmitted to the Senate for concurrence: 3/16/2011

HB 386, introduced by Stahl
HB 458, introduced by Welborn

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 410, introduced by Brenden, Ripley, Arthun, Walker, Lewis, Moore, Steinbeisser, Jones, Brown, Vincent, Tutvedt, Jackson, Buttrey, Mowbray, referred to Natural Resources.
SB 411, introduced by Erickson, referred to Taxation.

The following House bills were introduced, read first time, and referred to committees:

HB 386, introduced by Stahl, referred to State Administration.
HB 458, introduced by Welborn, Harris, Flynn, referred to Business, Labor, and Economic Affairs.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Essmann moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Kaufmann in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 317 - Senator Vincent moved **SB 317** do pass.

SB 317 - Senator Vincent moved **SB 317**, second reading copy, be amended as follows:

1. Page 2, line 4.
Following: "and"
Insert: ", for an environmental review prepared pursuant to 75-1-201(3),"

2. Page 2, line 7.
Following: "environmental and"
Insert: ", for an environmental review prepared pursuant to 75-1-201(3),"

3. Page 6, line 22.
Following: "disclosure"
Insert: "pursuant to subsection (1)(b)(i)"

Amendment adopted as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Larsen, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Windy Boy, Wittich, Zinke, Mr. President.
Total 46

Nays: Erickson, Kaufmann, Moss, Williams.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 317 - Senator Vincent moved **SB 317**, as amended, do pass.

SB 317 - Senator Vincent moved consideration of **SB 317** be placed at the bottom of the second reading board. Motion carried.

SPECIAL ORDERS OF THE DAY

Hannah Heckman, a junior at Choteau High School and the current High School Rodeo Queen for Montana, gave a speech to the Senate.

SECOND READING OF BILLS (Cont'd)

HB 49 - Senator Augare moved **HB 49** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley,

Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 47

Nays: Balyeat, Hinkle, Wittich.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 110 - Senator Facey moved **HB 110** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Ripley, Shockley, Sonju, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 45

Nays: Priest, Steinbeisser, Vincent, Walker, Wittich.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 141 - Senator Shockley moved **HB 141** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 181 - Senator Buttrey moved **HB 181** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Wittich, Zinke, Mr. President.
Total 47

Nays: Essmann, Moore, Windy Boy.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 259 - Senator Buttrey moved **HB 259** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 293 - Senator Lake moved **HB 293** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Branae, Brenden, Brown, Buttrey, Caferro, Gallus, Gillan, Hamlett, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Larsen, Lewis, Moore, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Vincent, Vuckovich, Walker, Wanzenried, Williams, Wittich, Zinke, Mr. President.
Total 39

Nays: Blewett, Erickson, Essmann, Facey, Hawks, Kaufmann, Moss, Mowbray, Tutvedt, Van

Dyk, Windy Boy.
Total 11

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 446 - Senator Moss moved **HB 446** be concurred in. Motion carried as follows:
Yeas: Augare, Balyeat, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Kaufmann, Keane, Larsen, Moss, Mowbray, Murphy, Shockley, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 29

Nays: Arthun, Barrett, Brenden, Brown, Buttrey, Essmann, Jones, Lake, Lewis, Moore, Olson, Priest, Ripley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 484 - Senator Jent moved **HB 484** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brown, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Ripley, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Wittich, Mr. President.
Total 41

Nays: Brenden, Buttrey, Essmann, Hutton, Priest, Sonju, Vincent, Walker, Zinke.
Total 9

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 497 - Senator Steinbeisser moved **HB 497** be concurred in. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Caferro, Essmann, Gallus, Hamlett, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley,

Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 31

Nays: Augare, Blewett, Branae, Erickson, Facey, Gillan, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 19

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 317 - Senator Vincent moved **HB 317** do pass as amended. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Mr. President.
Total 27

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke.
Total 23

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Essmann moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Peterson in the chair. Chairman Kaufmann moved the Committee of the Whole report be adopted. Report adopted as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Branae, Brenden, Brown, Buttrey, Caferro, Essmann, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 39

Nays: Blewett, Erickson, Facey, Kaufmann, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 11

Absent or not voting: None.
Total 0

Excused: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 376 passed as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 52 concurred in as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 59 concurred in as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Essmann, Gallus, Gillan, Hamlett, Hinkle, Hutton, Jackson, Jones, Keane, Lake, Larsen, Lewis, Moore,

Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 42

Nays: Caferro, Erickson, Facey, Hawks, Jent, Kaufmann, Moss, Wanzenried.
Total 8

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 99 concurred in as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 48

Nays: Murphy, Wittich.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 103 concurred in as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Wittich, Zinke, Mr. President.
Total 49

Nays: Windy Boy.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 251 concurred in as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 254 concurred in as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 270 concurred in as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 300 concurred in as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 348 concurred in as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Mr. President.
Total 41

Nays: Brenden, Hinkle, Lake, Ripley, Sonju, Vincent, Walker, Wittich, Zinke.
Total 9

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 374 concurred in as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro,

Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 380 concurred in as follows:
Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 45

Nays: Balyeat, Essmann, Hinkle, Hutton, Wittich.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 552 concurred in as follows:
Yeas: Augare, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Gallus, Gillan, Hamlett, Jackson, Jent, Kaufmann, Keane, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Shockley, Sonju, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 34

Nays: Arthun, Balyeat, Essmann, Facey, Hawks, Hinkle, Hutton, Jones, Lake, Larsen, Ripley, Steinbeisser, Walker, Wittich, Zinke, Mr. President.
Total 16

Absent or not voting: None.
Total 0

Excused: None.
Total 0

MOTIONS

Senator Priest moved **HB 526** be moved from the Committee of the Whole to the Public Health, Welfare and Safety committee. Without objection, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Essmann moved that the Senate adjourn until 1:00 p.m., Friday, March 18, 2011. Motion carried.

Senate adjourned at 3:30 p.m.

MARILYN MILLER
Secretary of the Senate

JIM PETERSON
President of the Senate

SENATE JOURNAL
62ND LEGISLATURE
SIXTY-FIRST LEGISLATIVE DAY

Helena, Montana — Senate Chambers
March 18, 2011 — State Capitol

Senate convened at 1:00 p.m. President Peterson presiding. Invocation by Chaplain Keith Johnson. Pledge of Allegiance to the Flag. Roll Call. All members present, except Senator Hutton, excused. Quorum present.

SPECIAL ORDERS OF THE DAY

Robert C. Perry, a Vietnam era veteran and singer songwriter, performed patriotic music to thank America's heros.

BILLS AND JOURNALS: 3/18/2011

Correctly printed: **HB 25**, **HB 49**, **HB 110**, **HB 141**, **HB 181**, **HB 481**, **HB 559**, **HB 568**.
Correctly engrossed: **SB 187**, **SB 317**, **HB 259**, **HB 293**, **HB 352**, **HB 446**, **HB 484**, **HB 497**.
Correctly enrolled: **SB 34**, **SB 67**, **SB 106**, **SB 32**, **SB 38**.

REPORTS OF STANDING COMMITTEES

AGRICULTURE, LIVESTOCK AND IRRIGATION (Steinbeisser, Chairman): 3/17/2011
HB 469, be amended as follows:

1. Page 6, line 26.
Following: line 25
Insert: "NEW SECTION. **Section 6. Name change -- directions to code commissioner.** Wherever a reference to the "livestock loss reduction and mitigation board" appears in legislation enacted by the 2011 legislature, the code commissioner is directed to change it to a reference to the "livestock loss board"."
Renumber: subsequent section

And, as amended, be concurred in. Report adopted.

HB 541, be amended as follows:

1. Title, page 1, line 6.
Following: "ACT;"
Insert: "AUTHORIZING DOMESTIC LIVESTOCK TRAILING ACROSS LANDS DESIGNATED AS WILDLIFE MANAGEMENT AREAS;"

2. Page 4, line 20.
Following: "(3)"
Insert: "(a)"

3. Page 4, line 24.
Insert: "(b) The commission may authorize domestic livestock trailing across land owned or controlled by the department that is designated as a wildlife management area. The commission may adopt rules governing the timing of and the route to be used for domestic livestock trailing activities to the extent that the rules are necessary both to enable the trailing of domestic livestock across the designated wildlife management area and to protect and enhance state lands. The rules may not:

(i) require a fee for domestic livestock trailing or related activities; or

(ii) prohibit or unreasonably interfere with domestic livestock trailing activities.

(4) For the purposes of this section, the following definitions apply:

(a) "Domestic livestock" means domestic animals kept for farm and ranch purposes, including but not limited to horses, cattle, sheep, goats, and dogs.

(b) "Domestic livestock trailing" means the entering upon and crossing of department lands and the use of the lands for forage by domestic livestock for a maximum of 96 consecutive hours."
And, as amended, be concurred in. Report adopted.

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Balyeat, Chairman): 3/18/2011
SB 389, do pass. Report adopted.
HB 80, be concurred in. Report adopted.
HB 125, be amended as follows:

1. Title, page 1, line 9.
Following: "INSURERS;"
Insert: "REVISING THE DEFINITION OF "INSURER" RELATING TO CAPTIVE RISK RETENTION GROUPS;"

2. Title, page 1, line 16.
Following: "33-2-601,"
Insert: "33-2-1501,"

3. Page 5.
Following: line 20
Insert: "Section 8. Section 33-2-1501, MCA, is amended to read:

"33-2-1501. Definitions. As used in parts 15 through 17 of this chapter, the following definitions apply:

(1) "Accredited state" means a state in which the department of insurance or regulatory agency has qualified as meeting the minimum financial regulatory standards promulgated and established from time to time by the national association of insurance commissioners.

(2) "Actuary" means a person who is a member in good standing of the American academy of actuaries.

(3) "Captive insurer" means:

(a) an insurer that is owned by another entity and whose exclusive purpose is to insure risks of the parent entity and its affiliates; or

(b) in the case of a group or association, an insurer that is owned by the member insureds and whose exclusive purpose is to insure risks to member insureds and their affiliates.

(4) "Control" or "controlled" has the meaning defined in 33-2-1101.

(5) "Controlled insurer" means an authorized insurer that is controlled, directly or indirectly, by a producer.

(6) "Controlling person" means a person, firm, association, or corporation that has the power to direct or cause to be directed the management, control, or activities of a reinsurance intermediary.

(7) "Controlling producer" means a producer who, directly or indirectly, controls an insurer.

(8) (a) "Insurer" means any person, firm, association, or corporation authorized, under Title 33, chapter 2, part 1, to transact insurance business in this state.

(b) ~~The~~ With regard to part 15 only, the following are not insurers:

(i) risk retention groups as defined in:

(A) the Superfund Amendments and Reauthorization Act of 1986, Pub. L. No. 99-499, 100 Stat. 1613 (1986);

(B) the Liability Risk Retention Act of 1986, 15 U.S.C. 3901, et seq.; or

(C) Title 33, chapter 11, part 1;

(ii) residual market pools and joint underwriting authorities or associations; or

(iii) captive insurers.

(c) With regard to parts 16 and 17, captive insurers are not insurers but captive risk retention groups are insurers.

(9) "Licensed producer" means a producer or reinsurance intermediary licensed pursuant to this title.

(10) (a) "Managing general agent" means a person who:

(i) manages all or part of the insurance business of an insurer and acts as an agent for the insurer;

(ii) either separately or together with affiliates, produces, directly or indirectly, and underwrites an amount of gross written premiums equal to or more than 5% of the policyholder surplus in any quarter or year; and

(iii) engages in one or more of the following activities on the business produced:

(A) adjustment or payment of claims in excess of an amount determined by the commissioner; or

(B) negotiation of reinsurance on behalf of the insurer.

(b) Notwithstanding the provisions of subsection (10)(a), the following persons are not considered managing general agents:

(i) an employee of the insurer;

(ii) a manager of the United States branch of an alien insurer;

(iii) an underwriting manager who, pursuant to contract, manages all or part of the insurance operations of the insurer, is under common control with the insurer, is subject to Title 33, chapter 2, part 11, and whose compensation is not based solely on the value of premiums written; or

(iv) the attorney-in-fact authorized by and acting for the subscribers of a reciprocal insurer or an interinsurance exchange under powers of attorney.

(11) "NAIC" means the national association of insurance commissioners.

(12) "Producer" means an insurance producer or reinsurance intermediary authorized or licensed pursuant to this title.

(13) (a) "Qualified United States financial institution" means a financial institution that:

(i) is organized or licensed under the laws of the United States or any state;

(ii) is regulated, supervised, and examined by federal or state authorities having regulatory

authority over banks and trust companies and that either:

(A) is determined by the commissioner to meet the standards of financial condition and standing considered necessary and appropriate to regulate the quality of financial institutions whose letters of credit are acceptable to the commissioner; or

(B) is eligible to act as a fiduciary of a trust or has been granted authority to operate with fiduciary powers.

(b) For purposes of this definition, the commissioner may by rule adopt standards of financial condition and standing that may be developed from time to time by the securities valuation office of the NAIC.

(14) "Reinsurance intermediary" means a reinsurance intermediary-broker or a reinsurance intermediary-manager.

(15) "Reinsurance intermediary-broker" means a person, other than an officer or employee of the ceding insurer, who solicits, negotiates, or places reinsurance cessions or retrocessions on behalf of a ceding insurer without the authority or power to bind reinsurance on behalf of the insurer.

(16) (a) "Reinsurance intermediary-manager" means a person who:

(i) has authority to bind or who manages all or part of the assumed reinsurance business of a reinsurer, including the management of a separate division, department, or underwriting office; and

(ii) acts as an agent for the reinsurer, whether known as a reinsurance intermediary-manager, manager, or other similar term.

(b) The following persons are not considered reinsurance intermediary-managers with respect to the reinsurer:

(i) an employee of the reinsurer;

(ii) a manager of the United States branch of an alien reinsurer;

(iii) an underwriting manager who, pursuant to contract, manages all of the reinsurance operations of the reinsurer, is under common control with the reinsurer, is subject to Title 33, chapter 2, part 11, and whose compensation is not based on the volume of premiums written; or

(iv) a person who manages groups, associations, pools, or organizations of insurers that engage in joint underwriting or joint reinsurance and that are subject to examination by the insurance commissioner of the state in which the manager's principal business office is located.

(17) "Reinsurer" means a person, firm, association, or corporation licensed in this state under this title as an insurer with authority to assume reinsurance.

(18) "Underwrite" means the authority to accept or reject risk on behalf of the insurer.""

Renumber: subsequent sections

4. Page 25, line 13 through line 18.
Strike: subsection (8) in its entirety

And, as amended, be concurred in. Report adopted.

HB 258, be amended as follows:

1. Page 4, line 12.
Strike: "recreational"

Insert: "hunting, horseback riding, fishing, or working cattle"

And, as amended, be concurred in. Report adopted.

HB 428, be concurred in. Report adopted.
HB 432, be concurred in. Report adopted.
HB 531, be concurred in. Report adopted.

ENERGY AND TELECOMMUNICATIONS (Olson, Chairman): 3/17/2011
HB 479, be concurred in. Report adopted.

FISH AND GAME (Brenden, Chairman): 3/17/2011
HB 449, be concurred in. Report adopted.

HIGHWAYS AND TRANSPORTATION (Jones, Chairman): 3/17/2011
SB 319, introduced bill, be amended as follows:

1. Page 2, line 22.
Strike: "18"
Insert: "6"
Following: "age"
Insert: "and weighs less than 60 pounds"

And, as amended, do pass. Report adopted.

HB 216, be amended as follows:

1. Title, page 1, line 4.
Strike: "ALLOWING"
Insert: "REQUIRING THE DEPARTMENT OF JUSTICE TO ADOPT RULES FOR HARDSHIP LICENSES THAT ALLOW"

2. Title, page 1, line 6.
Following: "GUARDIAN;"
Insert: "REVISING THE DEPARTMENT'S RULEMAKING AUTHORITY;"
Strike: "61-5-106,"
Insert: "61-5-125,"

3. Page 1, line 10 through page 3, line 9.
Strike: everything after the enacting clause
Insert: "Section 1. Section 61-5-125, MCA, is amended to read:

"61-5-125. Authority of department -- rulemaking authority. (1) The department shall administer and enforce the provisions of this chapter.

(2) The department shall adopt rules setting standards to govern driver's license examinations and reexaminations. The rules:

(a) must specifically address the functional abilities and skills required for a person to exercise ordinary and reasonable control in the safe operation of a motor vehicle on a highway;

(b) must include minimum uncorrected or corrected visual acuity requirements for both unrestricted and restricted licensure and may include minimum field of vision and depth perception requirements and hearing requirements for unrestricted and restricted licensure;

(c) may direct the design of one or more types of skills tests to assess an applicant's or licensee's ability to exercise ordinary and reasonable control in the safe operation of a motor vehicle on the highway. A skills test may consist of:

(i) a comprehensive assessment of a person's functional abilities by means of an actual demonstration of the applicant's ability to exercise ordinary and reasonable control in the safe operation of a motor vehicle; or

(ii) a more limited assessment of a person's functional abilities, conducted at the discretion of the department, as related to a specific physical or mental condition or conditions or a request for reexamination;

(d) must include operational restrictions based upon the visual acuity of an applicant or licensee;

(e) may take into consideration any nationally recognized standards or recommended practices for assessment of a person's ability to exercise ordinary and reasonable control in the safe operation of a motor vehicle on the highway;

(f) must include appropriate licensing criteria relating to the use of adaptive equipment or operational limits that can be readily discerned by law enforcement or a licensing agency in another jurisdiction;

(g) may be derived from medical guidelines and information compiled by driver licensing medical advisory or review boards from other jurisdictions, as well as information received from advocacy groups for persons with disabilities and senior citizens; and

(h) except as provided in 61-5-105, may not use a person's age or physical or mental disability, limitation, or condition as a justification for denial of a license.

(3) The department shall adopt rules governing the issuance of a hardship license to an underage applicant, including but not limited to an applicant who is 14 years of age or older who holds a valid instruction permit or a traffic education learner license under 61-5-106. The rules must consider whether a hardship license is needed because the applicant's licensed parent or guardian is not available to accompany the permitholder due to employment or circumstances related to the operation of a farm or ranch and the permitholder is required to drive more than 7 miles from the permitholder's residence to the permitholder's school bus stop.

~~(3)~~(4) The department may adopt additional rules governing:

(a) acceptable methods of proof of identification that must be supplied by a person upon application for or renewal of a driver's license;

~~(b) issuance of a hardship license to an underage applicant;~~

~~(c)~~(b) the cancellation of a driver's license upon receipt of an insufficient funds check in payment of license fees;

~~(d)~~(c) circumstances under which the department may issue a probationary license to a person whose license has been suspended or revoked or a person whose license is subject to a discretionary suspension or revocation;

~~(e)~~(d) restrictions to be imposed upon a probationary license;

~~(f)~~(e) renewal of a driver's license by a person in the military assigned to active duty who had a valid Montana driver's license at the time of entering active duty;

~~(g)~~(f) issuance of a replacement driver's license; and

~~(h)~~(g) a determination of the driver's license expiration date, minimum and maximum license terms, and license renewal requirements for a driver's license issued to a person who is a foreign national whose presence in the United States is temporarily authorized under federal law.""

And, as amended, be concurred in. Report adopted.

HB 229, be concurred in. Report adopted.
HB 277, be amended as follows:

1. Title, page 1, line 5.
Following: "CART";"
Insert: "REQUIRING REGISTRATION OF CERTAIN GOLF CARTS;"

2. Title, page 1, line 6.
Following: "SECTIONS"
Insert: "10-3-1307, 23-1-105,"
Following: "61-1-101"
Insert: ", 61-3-312, 61-3-321, 61-3-332, 61-6-158,"

3. Page 1, line 10.
Strike: "Unlawful"
Insert: "Operation of golf carts -- unlawful"
Strike: "of golf cart"

4. Page 1, line 23.
Following: line 22
Insert: "(4) Except as provided in 61-3-321, a golf cart is exempt from titling, registration, and mandatory liability insurance requirements under this title."

5. Page 1, line 23.
Following: line 22
Insert: "Section 2. Section 10-3-1307, MCA, is amended to read:

"10-3-1307. Responsibilities of department of transportation -- assessment and collection of fees -- issuance of permits -- inspection of motor carriers. (1) After receiving notification from the person or entity that plans to ship high-level radioactive waste or transuranic waste through the state, the department of transportation shall assess fees according to the following schedule:

(a) a fee of $2,500 must be assessed for each cask designed for transport by truck; and

(b) a fee of $4,500 must be assessed for the first cask designed for transport by rail and a fee of $3,000 for each additional cask designed for transport by rail that is shipped by the same person or entity in the same shipment.

(2) Payment of the fees provided in subsection (1) is the responsibility of the person or entity who owns the waste.

(3) Upon receipt of the fees provided in subsection (1), the department of transportation

shall issue to the owner of the waste a permit that must be carried with the waste as it is traveling through the state.

(4) The department of transportation shall deposit all of the fees collected under this section in the radioactive waste transportation monitoring, emergency response, and training account created in 10-3-1304.

(5) If the waste is to be transported through the state by motor carrier, the department of transportation shall coordinate with the highway patrol on the inspection of the motor carrier by the motor carrier services division.

(6) This section does not exempt the operator of a motor carrier from any of the provisions of Title 61, chapter 10, from Title 69, chapter 12, or from any other law that applies to the operation of motor vehicles in Montana.

(7) Fees under this section must be assessed regardless of ownership, and 61-3-321~~(13)~~(14) and 61-10-127 do not apply.""

Insert: "Section 3. Section 23-1-105, MCA, is amended to read:

"23-1-105. Fees and charges. (1) The department may levy and collect reasonable fees or other charges for the use of privileges and conveniences that may be provided and to grant concessions that it considers advisable, except as provided in subsections (2) and (6). All money derived from the activities of the department, except as provided in subsection (5), must be deposited in the state treasury in a state special revenue fund to the credit of the department.

(2) Overnight camping fees established by the department under subsection (1) must be discounted 50% for a campsite rented by a person who is a resident of Montana, as defined in 87-2-102, and either 62 years of age or older or certified as disabled in accordance with rules adopted by the department.

(3) For a violation of any fee collection rule involving a vehicle, the registered owner of the vehicle at the time of the violation is personally responsible if an adult is not in the vehicle at the time the violation is discovered by an authorized officer. A defense that the vehicle was driven into the fee area by another person is not allowable unless it is shown that at that time, the vehicle was being used without the consent of the registered owner.

(4) Money received from the collection of fees and charges is subject to the deposit requirements of 17-6-105(6) unless the department has submitted and received approval for a modified deposit schedule pursuant to 17-6-105(8).

(5) There is a fund of the enterprise fund type, as defined in 17-2-102(2)(a), for the purpose of managing state park visitor services revenue. The fund is to be used by the department to serve the recreating public by providing for the obtaining of inventory through purchase, production, or donation and for the sale of educational, commemorative, and interpretive merchandise and other related goods and services at department sites and facilities. The fund consists of money from the sale of educational, commemorative, and interpretive merchandise and other related goods and services and from donations. Gross revenue from the sale of educational, commemorative, and interpretive merchandise and other related goods and services must be deposited in the fund. All interest and earnings on money deposited in the fund must be credited to the fund for use as provided in this subsection.

(6) In recognition of the fact that individuals support state parks through the payment of certain motor vehicle registration fees, persons who pay the fee provided for in 61-3-321~~(18)(a)~~(19)(a) may not be required to pay a day-use fee for access to state parks. Other fees for the use of state parks and fishing access sites, such as overnight camping fees, are still

chargeable and may be collected by the department.""
Renumber: subsequent sections

6. Page 8, line 27.
Strike: "and"

7. Page 8, line 28.
Following: "chapter 9"
Insert: "; (iii) a golf cart only if it is equipped for use on the highways as prescribed in chapter 9 and is operated pursuant to [section 1]"

8. Page 8, line 30.
Strike: "a golf cart,"

9. Page 14, line 28.
Following: line 27
Insert: "Section 5. Section 61-3-312, MCA, is amended to read:

"61-3-312. Renewal of registration -- exceptions -- grace period. (1) Except as provided in 61-3-313 and 61-3-721, the registration of a motor vehicle under this chapter must be renewed on or before the last day of the month of the motor vehicle's registration period following the expiration of the motor vehicle's registration.

(2) Except as provided in subsection (4), a person may renew a motor vehicle's registration by submitting full payment for the fees or taxes required under 61-3-303 and 61-3-321~~(12)~~(13) to the department, an authorized agent, or a county treasurer in any county of this state.

(3) The department, an authorized agent, or a county treasurer may use the online motor vehicle liability insurance verification system provided in 61-6-157 to verify proof of compliance with 61-6-301.

(4) Beginning July 1, 2011, and except when the verification system is temporarily unavailable, a registration may not be renewed when compliance with 61-6-301 cannot be determined using the verification system.

(5) Except as provided in 61-3-315, the registration period originally assigned under 61-3-311 must be retained and the duration of the renewed registration is determined in accordance with 61-3-311. A registration receipt is valid for the registration period for which it is issued.

(6) The owner of a motor vehicle subject to registration renewal under the provisions of this section is considered to have renewed the motor vehicle's registration in a timely manner if the owner submits full payment for the required fees or taxes, as prescribed in the mail renewal notice from the department, to the department, an authorized agent, or a county treasurer on or before the last day of the month of the motor vehicle's registration period and if, beginning July 1, 2011, the department, authorized agent, or county treasurer determines the owner is in compliance with 61-6-301 using the verification system provided in 61-6-157.

(7) The department, an authorized agent, or a county treasurer may not renew the registration of a motor vehicle for which ownership has been transferred and that was originally registered without being titled under the provisions of 61-3-303(3)(b) unless:

(a) the previously issued certificate of title has been surrendered to the department, an authorized agent, or the county treasurer and the process for issuing a certificate of title has been completed; or

(b) the person to whom ownership of the motor vehicle has been transferred presents an affidavit and bond in support of the application for a certificate of title as permitted in 61-3-208."" **Insert: "Section 6.** Section 61-3-321, MCA, is amended to read:

"61-3-321. Registration fees of vehicles and vessels -- certain vehicles exempt from registration fees -- disposition of fees. (1) Except as otherwise provided in this section, registration fees must be paid upon registration or, if applicable, renewal of registration of motor vehicles, snowmobiles, watercraft, trailers, semitrailers, and pole trailers as provided in subsections (2) through ~~(19)~~ (20):

(2) Unless a light vehicle is permanently registered under 61-3-562, the annual registration fee for light vehicles, trucks and buses under 1 ton, and logging trucks less than 1 ton is as follows:

(a) if the vehicle is 4 or less years old, $217;

(b) if the vehicle is 5 through 10 years old, $87; and

(c) if the vehicle is 11 or more years old, $28.

(3) Except as provided in subsection ~~(14)~~ (15), the one-time registration fee based on the declared weight of a trailer, semitrailer, or pole trailer is as follows:

(a) if the declared weight is less than 6,000 pounds, $61.25; or

(b) if the declared weight is 6,000 pounds or more, $148.25.

(4) Except as provided in subsection ~~(14)~~ (15), the one-time registration fee for motor vehicles owned and operated solely as collector's items pursuant to 61-3-411, based on the weight of the vehicle, is as follows:

(a) 2,850 pounds and over, $10; and

(b) under 2,850 pounds, $5.

(5) Except as provided in subsection ~~(14)~~ (15), the one-time registration fee for off-highway vehicles other than a quadricycle or motorcycle is $61.25.

(6) The annual registration fee for heavy trucks, buses, and logging trucks in excess of 1 ton is $22.75.

(7) (a) The annual registration fee for a motor home, based on the age of the motor home, is as follows:

(i) less than 2 years old, $282.50;

(ii) 2 years old and less than 5 years old, $224.25;

(iii) 5 years old and less than 8 years old, $132.50; and

(iv) 8 years old and older, $97.50.

(b) The owner of a motor home that is 11 years old or older and that is subject to the registration fee under this section may permanently register the motor home upon payment of:

(i) a one-time registration fee of $237.50;

(ii) unless a new set of license plates is being issued, an insurance verification fee of $5, which must be deposited in the account established under 61-6-158; and

(iii) if applicable, five times the renewal fees for personalized license plates under 61-3-406.

(8) (a) Except as provided in subsection ~~(14)~~ (15), the one-time registration fee for motorcycles and quadricycles registered for use on public highways is $53.25, and the one-time registration fee for motorcycles and quadricycles registered for both off-road use and for use on the public highways is $114.50.

(b) An additional fee of $16 must be collected for the registration of each motorcycle or quadricycle as a safety fee, which must be deposited in the state motorcycle safety account provided for in 20-25-1002.

(9) Except as provided in subsection ~~(14)~~ (15), the one-time registration fee for travel trailers, based on the length of the travel trailer, is as follows:

(a) under 16 feet in length, $72; and

(b) 16 feet in length or longer, $152.

(10) Except as provided in subsection ~~(14)~~ (15), the one-time registration fee for a motorboat, sailboat, personal watercraft, or motorized pontoon required to be numbered under 23-2-512 is as follows:

(a) for a personal watercraft or a motorboat, sailboat, or motorized pontoon less than 16 feet in length, $65.50;

(b) for a motorboat, sailboat, or motorized pontoon at least 16 feet in length but less than 19 feet in length, $125.50; and

(c) for a motorboat, sailboat, or motorized pontoon 19 feet in length or longer, $295.50.

(11) (a) Except as provided in subsections (11)(b) and ~~(14)~~ (15), the one-time registration fee for a snowmobile is $60.50.

(b) (i) A snowmobile that is licensed by a Montana business and is owned exclusively for the purpose of daily rental to customers is assessed:

(A) a fee of $40.50 in the first year of registration; and

(B) if the business reregisters the snowmobile for a second year, a fee of $20.

(ii) If the business reregisters the snowmobile for a third year, the snowmobile must be permanently registered and the business is assessed the registration fee imposed in subsection (11)(a).

(12) The one-time registration fee for golf carts authorized to operate on certain public streets and highways pursuant to [section 1] is $25. Upon receipt of the fee, the department shall issue the owner a decal, which must be displayed visibly on the golf cart.

~~(12)~~(13) (a) Except as provided in subsection ~~(12)(b)~~ (13)(b), a fee of $10 must be collected when a new set of standard license plates, a new single standard license plate, or a replacement set of special license plates required under 61-3-332 is issued. The $10 fee imposed under this subsection does not apply when previously issued license plates are transferred under 61-3-335. All registration fees imposed under this section must be paid if the vehicle to which the plates are transferred is not currently registered.

(b) Until January 1, 2015, an additional fee of $15 must be collected if a vehicle owner elects to keep the same license plate number from license plates issued on or after January 1, 2006, but before January 1, 2010, when replacement of those plates is required under 61-3-332(3).

(c) The fees imposed in this subsection ~~(12)~~ (13) must be deposited in the account established under 61-6-158, except that $2 of the fee imposed in subsection ~~(12)(a)~~ (13)(a) must be deposited in the state general fund.

~~(13)~~(14) The provisions of this part with respect to the payment of registration fees do not apply to and are not binding upon motor vehicles, trailers, semitrailers, snowmobiles, watercraft, or tractors owned or controlled by the United States of America or any state, county, city, or special district, as defined in 18-8-202, or to a vehicle or vessel that meets the description of property exempt from taxation under 15-6-201(1)(a), (1)(c), (1)(d), (1)(e), (1)(f), (1)(g), (1)(i), (1)(j), (1)(l), or (1)(m), 15-6-203, or 15-6-215, except as provided in 61-3-520.

~~(14)~~(15) Whenever ownership of a trailer, semitrailer, pole trailer, off-highway vehicle, motorcycle, quadricycle, travel trailer, motor home, motorboat, sailboat, personal watercraft, motorized pontoon, snowmobile, or motor vehicle owned and operated solely as a collector's item pursuant to 61-3-411 is transferred, the new owner shall title and register the vehicle or vessel as required by this chapter and pay the fees imposed under this section.

~~(15)~~(16) A person eligible for a waiver under 61-3-460 is exempt from the fees required under this section.

~~(16)~~(17) Except as otherwise provided in this section, revenue collected under this section must be deposited in the state general fund.

~~(17)~~(18) The fees imposed by subsections (2) through (11) are not required to be paid by a dealer for the enumerated vehicles or vessels that constitute inventory of the dealership.

~~(18)~~(19) (a) Unless a person exercises the option in subsection ~~(18)(b)~~ (19)(b), an additional fee of $4 must be collected for each light vehicle registered under this part. This fee must be accounted for and transmitted separately from the registration fee. The fee must be deposited in an account in the state special revenue fund to be used for state parks, for fishing access sites, and for the operation of state-owned facilities. Of the $4 fee, the department of fish, wildlife, and parks shall use $3.50 for state parks, 25 cents for fishing access sites, and 25 cents for the operation of state-owned facilities at Virginia City and Nevada City.

(b) A person who registers a light vehicle may, at the time of annual registration, certify that the person does not intend to use the vehicle to visit state parks and fishing access sites and may make a written election not to pay the additional $4 fee provided for in subsection ~~(18)(a)~~ (19)(a). If a written election is made, the fee may not be collected.

~~(19)~~(20) For each light vehicle, trailer, semitrailer, pole trailer, heavy truck, motor home, motorcycle, quadricycle, and travel trailer subject to a registration fee under this section, an additional fee of $5 must be collected and forwarded to the state for deposit in the account established in 44-1-504.

~~(20)~~(21) This section does not apply to a motor vehicle, trailer, semitrailer, or pole trailer that is governed by 61-3-721.""

Insert: "Section 7. Section 61-3-332, MCA, is amended to read:

"61-3-332. Standard license plates. (1) In addition to special license plates, collegiate license plates, generic specialty license plates, and fleet license plates authorized under this chapter, a separate series of standard license plates must be issued for motor vehicles, quadricycles, travel trailers, trailers, semitrailers, and pole trailers registered in this state or offered for sale by a vehicle dealer licensed in this state. Standard license plates issued to licensed vehicle dealers must be readily distinguishable from license plates issued to vehicles owned by other persons.

(2) (a) Except as provided in 61-3-479 and subsections (2)(b), (3)(b), and (3)(c) of this section, all standard license plates for motor vehicles, trailers, semitrailers, or pole trailers must bear a distinctive marking, as determined by the department, and be furnished by the department. In years when standard license plates are not reissued for a vehicle, the department shall provide a registration decal that must be affixed to the rear license plate of the vehicle.

(b) For light vehicles that are permanently registered as provided in 61-3-562 and motor vehicles described in 61-3-303(9) that are permanently registered, the department shall provide a distinctive registration decal indicating that the motor vehicle is permanently registered. The

registration decal must be affixed to the rear license plate of the permanently registered motor vehicle.

(c) For a travel trailer, motorcycle, quadricycle, trailer, semitrailer, or pole trailer that is permanently registered as provided in 61-3-313(2), the department may use the word or an abbreviation for the word "permanent" on the plate in lieu of issuing a registration decal for the plate.

(3) (a) (i) Beginning January 1, 2010, and every 5 years after that date, the department shall design standard license plates to replace previously issued standard license plates. For the purposes of this subsection (3), all military, veteran, and amateur radio license plates and any license plate with a wheelchair design, excluding collegiate or generic specialty plates with a wheelchair design, are treated as standard license plates.

(ii) License plates issued on or after January 1, 2010, must be replaced with the most recent design of standard license plates or a new replacement collegiate or generic speciality license plate if, upon renewal of registration under 61-3-332, the license plates are 5 or more years old or will become older than 5 years during the registration period.

(iii) License plates issued on or before January 1, 2010, must be replaced with the most recent design of standard license plates or a new replacement collegiate or generic specialty license plate in accordance with the implementation schedule adopted by the department under 61-3-315. Until January 1, 2015, and upon payment of the fee required in ~~61-3-321(12)(b)~~ 61-3-321(13)(b), a vehicle owner may elect to keep the same license plate number from license plates issued on or after January 1, 2006, but before January 1, 2010, when replacement of those plates is required under this subsection.

(b) A motor vehicle that is registered for a 13-month to a 24-month period, as provided in 61-3-311, may display the license plate and plate design in effect at the time of registration for the entire registration period.

(c) A light vehicle described in subsection (2)(b) or a motor home that is permanently registered may display the license plate and plate design in effect at the time of registration for the entire period that the light vehicle or motor home is permanently registered.

(d) The provisions of this subsection (3) do not apply to a travel trailer, motorcycle, quadricycle, trailer, semitrailer, or pole trailer.

(e) The requirements of this subsection (3) apply to collegiate license plates authorized under 61-3-461 through 61-3-468, generic specialty license plates authorized under 61-3-472 through 61-3-481, commemorative centennial license plates authorized under 61-3-448, and special military or veteran license plates authorized under 61-3-458.

(4) For trailers and motor vehicles, other than motorcycles and quadricycles, plates must be of metal 6 inches wide and 12 inches in length. Except for generic specialty license plates, the outline of the state of Montana must be used as a distinctive border on all license plates, and the word "Montana" must be placed on each license plate. All license plates must be treated with a reflectorized background material according to specifications prescribed by the department.

(5) The distinctive registration numbers for standard license plates must begin with a number one or with a letter-number combination, such as "A 1" or "AA 1", or any other similar combination of letters and numbers. Except for special license plates, collegiate license plates, generic specialty license plates, and fleet license plates, the distinctive registration number or letter-number combination assigned to the motor vehicle must appear on the plate preceded by the number of the county and appearing in horizontal order on the same horizontal baseline. The county number must be separated from the distinctive registration number by a separation mark

unless a letter-number combination is used. The dimensions of the numerals and letters must be determined by the department, and all county and registration numbers must be of equal height.

(6) For the use of exempt motor vehicles, trailers, semitrailers, or pole trailers and motor vehicles, trailers, semitrailers, or pole trailers that are exempt from the registration fee as provided in 61-3-321, in addition to the markings provided in this section, standard license plates must bear the following distinctive markings:

(a) For motor vehicles, trailers, semitrailers, or pole trailers owned by the state, the department may designate the prefix number for the various state departments. All numbered plates issued to state departments must bear the words "State Owned", and a year number may not be indicated on the plates because these numbered plates are of a permanent nature and will be replaced by the department only when the physical condition of numbered plates requires it.

(b) For motor vehicles, trailers, semitrailers, or pole trailers that are owned by the counties, municipalities, and special districts, as defined in 18-8-202, organized under the laws of Montana and not operating for profit, and that are used and operated by officials and employees in the line of duty and for motor vehicles on loan from the United States government or the state of Montana to, or owned by, the civil air patrol and used and operated by officials and employees in the line of duty, there must be placed on the standard license plates assigned, in a position that the department may designate, the letter "X" or the word "EXEMPT". Distinctive registration numbers for plates assigned to motor vehicles, trailers, semitrailers, or pole trailers of each of the counties in the state and those of the municipalities and special districts that obtain plates within each county must begin with number one and be numbered consecutively. Because these standard license plates are of a permanent nature, they are subject to replacement by the department only when the physical condition of the license plates requires it and a year number may not be displayed on the plates.

(7) For the purpose of this chapter, the several counties of the state are assigned numbers as follows: Silver Bow, 1; Cascade, 2; Yellowstone, 3; Missoula, 4; Lewis and Clark, 5; Gallatin, 6; Flathead, 7; Fergus, 8; Powder River, 9; Carbon, 10; Phillips, 11; Hill, 12; Ravalli, 13; Custer, 14; Lake, 15; Dawson, 16; Roosevelt, 17; Beaverhead, 18; Chouteau, 19; Valley, 20; Toole, 21; Big Horn, 22; Musselshell, 23; Blaine, 24; Madison, 25; Pondera, 26; Richland, 27; Powell, 28; Rosebud, 29; Deer Lodge, 30; Teton, 31; Stillwater, 32; Treasure, 33; Sheridan, 34; Sanders, 35; Judith Basin, 36; Daniels, 37; Glacier, 38; Fallon, 39; Sweet Grass, 40; McCone, 41; Carter, 42; Broadwater, 43; Wheatland, 44; Prairie, 45; Granite, 46; Meagher, 47; Liberty, 48; Park, 49; Garfield, 50; Jefferson, 51; Wibaux, 52; Golden Valley, 53; Mineral, 54; Petroleum, 55; Lincoln, 56. Any new counties must be assigned numbers by the department as they are formed, beginning with the number 57.

(8) Each type of special license plate approved by the legislature, except collegiate license plates authorized in 61-3-463 and generic specialty license plates authorized in 61-3-472 through 61-3-481, must be a separate series of plates, numbered as provided in subsection (5), except that the county number must be replaced by a design that distinguishes each separate plate series. Unless otherwise specifically stated in this section, the special plates are subject to the same rules and laws as govern the issuance of standard license plates, must be placed or mounted on a motor vehicle, trailer, semitrailer, or pole trailer owned by the person who is eligible to receive them, with the registration decal affixed to the rear license plate of the motor vehicle, trailer, semitrailer, or pole trailer, and must be removed upon sale or other disposition of the motor vehicle, trailer, semitrailer, or pole trailer.

(9) (a) A Montana resident who is eligible to receive a special parking permit under

49-4-301 may, upon written application on a form prescribed by the department, be issued a special license plate with a design or decal bearing a representation of a wheelchair as the symbol of a person with a disability.

(b) If the motor vehicle to which the license plate is attached is permanently registered, the owner of the motor vehicle shall provide, upon request of a person authorized to enforce special parking laws or ordinances in this or any state, evidence of continued eligibility to use the license plate in the form of a valid special parking permit issued to or renewed by the vehicle owner under 49-4-304 and 49-4-305.

(c) A person with a permanent condition, as provided in 49-4-301(2)(b), who has been issued a special license plate upon written application, as provided in this subsection (9), is not required to reapply upon reregistration of the motor vehicle.

(10) The provisions of this section do not apply to a motor vehicle, trailer, semitrailer, or pole trailer that is registered as part of a fleet, as defined in 61-3-712, and that is subject to the provisions of 61-3-711 through 61-3-733.""

Insert: "Section 8. Section 61-6-158, MCA, is amended to read:

"61-6-158. Vehicle insurance verification and license plate operating account. (1) There is a vehicle insurance verification and license plate operating account in the state special revenue fund type as provided in 17-2-102.

(2) Fees imposed under 61-3-321(7)(b)(ii) and ~~(12)~~ (13), 61-3-333, 61-3-465(1)(b)(i), 61-3-480(2)(c)(i), or 61-3-562(1)(a)(ii) or established and collected under 61-6-105 must be deposited in the account.

(3) The money in the vehicle insurance verification and license plate operating account must be used by the department to pay costs incurred in or associated with the operation, maintenance, and enhancement of the system established under 61-6-157 and the contract required in 61-3-338 for the manufacture and distribution of license plates by Montana correctional enterprises.""

Renumber: subsequent sections

10. Page 16, line 3.

Insert: "COORDINATION SECTION. **Section 11. Coordination instruction.** If both House Bill No. 213 and [this act] are passed and approved, then the section of [this act] amending 61-1-101 is void and the definition of "motor vehicle" in 61-1-101 must be amended as follows:

"(40)(a) "Motor vehicle" means:

(i) a vehicle propelled by its own power and designed or used to transport persons or property upon the highways of the state; ~~and~~

(ii) a quadricycle if it is equipped for use on the highways as prescribed in chapter 9; and

(iii) a golf cart only if it is equipped for use on the highways as prescribed in chapter 9 and is operated pursuant to [section 1 of this act] or by a person with a low-speed restricted driver's license.

(b) The term does not include a bicycle as defined in 61-8-102, an electric personal assistive mobility device, a motorized nonstandard vehicle, or a motorized wheelchair or other low-powered, mechanically propelled vehicle that is designed specifically for use by a physically disabled person and that is used as a means of mobility for that person.""

Renumber: subsequent sections

And, as amended, be concurred in. Report adopted.

HB 298, be concurred in. Report adopted.
HB 319, be concurred in. Report adopted.
HB 517, be concurred in. Report adopted.
HB 584, be amended as follows:

1. Page 3, line 5.
Following: ~~plates.~~
Insert: "New license plates issued under 61-3-303 or this section must be a standard license plate design first issued within the last 35 years or current collegiate or generic speciality license plate designs. For the purposes of this subsection (3), all military, veteran, and amateur radio license plates and any license plate with a wheelchair design, excluding collegiate or generic specialty plates with a wheelchair design, are treated as standard license plates. (ii)"

2. Page 3, line 9 through line 10.
Strike: "The" on line 9 through "designs." on line 10

3. Page 3, line 14.
Strike: "(ii)"
Insert: "(iii)"

And, as amended, be concurred in. Report adopted.

JUDICIARY (Murphy, Chairman): 3/18/2011
SB 187, introduced bill, be amended as follows:

1. Title, line 8.
Following: "SECTIONS"
Insert: "2-15-1028, 46-8-101,"
Following: "47-1-202,"
Strike: "AND"
Insert: "47-1-205,"
Following: "47-1-215,"
Insert: "AND 47-1-216,"

2. Title, line 9.
Following: "AN"
Insert: "IMMEDIATE"

3. Page 1, line 13 through page 7, line 21.
Strike: everything after the enacting clause

Insert: "Section 1. Section 2-15-1028, MCA, is amended to read:

"2-15-1028. Public defender commission. (1) There is a public defender commission.

(2) The commission consists of ~~11~~ seven members appointed by the governor as follows:

(a) two attorneys from nominees submitted by the chief justice of the supreme court;

(b) three attorneys from nominees submitted by the president of the state bar of Montana, ~~as follows:~~

~~(i) one attorney experienced in the defense of felonies who has served a minimum of 1 year as a full-time public defender;~~

~~(ii)~~ one ~~attorney~~ of whom must be experienced in the defense of juvenile delinquency and abuse and neglect cases involving the federal Indian Child Welfare Act; and

~~(iii) one attorney who represents criminal defense lawyers;~~

(c) two members of the general public who are not attorneys or judges, active or retired, as follows:

(i) one member from nominees submitted by the president of the senate; and

(ii) one member from nominees submitted by the speaker of the house~~;~~ .

~~(d) one person who is a member of an organization that advocates on behalf of indigent persons;~~

~~(e) one person who is a member of an organization that advocates on behalf of a racial minority population in Montana;~~

~~(f) one person who is a member of an organization that advocates on behalf of people with mental illness and developmental disabilities; and~~

~~(g) one person who is employed by an organization that provides addictive behavior counseling.~~

~~(3) A person appointed to the commission must have significant experience in the defense of criminal or other cases subject to the provisions of Title 47, chapter 1, or must have demonstrated a strong commitment to quality representation of indigent defendants.~~

(3) At least one member must have specific knowledge of Indian culture.

(4) A vacancy on the commission must be filled in the same manner as the original appointment and in a timely manner.

(5) Members shall serve staggered 3-year terms.

(6) The commission is allocated to the department of administration for administrative purposes only, as provided in 2-15-121, except that:

(a) the commission shall hire staff for the commission and the chief public defender shall hire ~~their own~~ separate staff for the office, except for any support staff provided by the department of administration for centralized services, such as payroll, human resources, accounting, information technology, or other services determined by the commission and the department to be more efficiently provided by the department; and

(b) commission and office of state public defender budget requests prepared and presented to the legislature and the governor in accordance with 17-7-111 must be prepared and presented independently of the department of administration. However, nothing in this subsection (6)(b) prohibits the department from providing administrative support for the budgeting process and including the budget requests in appropriate sections of the department's budget requests for administratively attached agencies.

(7) While serving a term on the commission, a member of the commission may not serve as a judge, a public defender employed by or under contract with the office of state public defender

established in 47-1-201, a county attorney or a deputy county attorney, the attorney general or an assistant attorney general, the United States district attorney or an assistant United States district attorney, or a law enforcement official.

(8) Members of the commission may not receive a salary for service on the commission but must be reimbursed for expenses, as provided in 2-18-501 through 2-18-503, while actually engaged in the discharge of official duties.

(9) The commission shall establish procedures for the conduct of its affairs and elect a presiding officer from among its members.""

Insert: "Section 2. Section 46-8-101, MCA, is amended to read:

"46-8-101. Right to counsel. (1) During the initial appearance before the court, every defendant must be informed of the right to have counsel and must be asked if the aid of counsel is desired.

(2) ~~If~~ Except as provided in subsection (3), if the defendant desires assigned counsel because of financial inability to retain private counsel and the offense charged is a felony or the offense is a misdemeanor and incarceration is a sentencing option if the defendant is convicted, the court shall order the office of state public defender, provided for in 47-1-201, to assign counsel to represent the defendant without unnecessary delay pending a determination of eligibility under the provisions of 47-1-111.

(3) If the defendant desires assigned counsel because of financial inability to retain private counsel and the offense charged is a misdemeanor and incarceration is a sentencing option if the defendant is convicted, during the initial appearance the court may order that incarceration not be exercised as a sentencing option if the defendant is convicted. If the court so orders, the court shall inform the defendant that the assistance of counsel at public expense through the office of state public defender is not available and that time will be given to consult with an attorney before a plea is entered. If incarceration is waived as a sentencing option, a public defender may not be assigned.""

Insert: "Section 3. Section 46-8-113, MCA, is amended to read:

"46-8-113. Payment by defendant for assigned counsel -- costs to be filed with court. (1) As part of or as a condition under a sentence imposed under the provisions of this title, the court shall require a convicted defendant to pay the costs of counsel assigned to represent the defendant as follows, except as provided in subsections (2) and (3):

(a) in every misdemeanor case, ~~$150~~ attorney fees at the rate of $75 an hour; and

(b) in every felony case, ~~$500~~ attorney fees at the rate of $75 an hour.

(2) Costs must be limited to costs incurred by the office of state public defender, provided for in 47-1-201, for providing the defendant with counsel in the criminal proceeding. If the criminal proceeding includes a jury trial or a justice's court trial, counsel assigned by the office of state public defender shall file with the court a statement of the hours spent on the case and the costs and expenses incurred and, except as provided in subsection (3), the court shall require the defendant to pay the costs of counsel and other costs and expenses as reflected in the statement. The defendant is also responsible for the cost of counsel and expenses incurred in preparing for or completing an appeal.

(3) The court may not sentence a defendant to pay the costs for assigned counsel unless the defendant is or will be able to pay them. In determining the amount and method of payment of

costs, the court shall take into account the financial resources of the defendant and the nature of the burden that payment of costs will impose.

(4) A defendant who has been sentenced to pay costs may at any time petition the court that sentenced the defendant for remission of the payment of costs or of any unpaid portion of the costs. If it appears to the satisfaction of the court that payment of the amount due will impose manifest hardship on the defendant or the defendant's immediate family, the court may remit all or part of the amount due in costs or modify the method of payment.

(5) Costs of counsel imposed under this section must be included in the court's judgment.

(6) (a) In addition to other methods of payment, the court may order forfeiture and sale of the offender's assets under the provisions of Title 25, chapter 13, part 7, unless the court finds, after notice and an opportunity for the offender to be heard, that the assets are reasonably necessary for the offender to sustain a living or support the offender's dependents or unless the state determines that the cost of forfeiture and sale would outweigh the amount available to the office of the state public defender after sale. If the proceeds of sale exceed the amount of payment ordered and the costs of forfeiture and sale, any remaining amount must be returned to the offender.

(b) After a prosecution is commenced and upon petition of the prosecutor, the court may grant a restraining order or injunction, require a satisfactory bond, or take other action if the court finds that the restraining order or injunction, bond, or other action is necessary to preserve property or assets that could be used to satisfy an anticipated payment obligation. A hearing must be held on the petition, and any person with an interest in the property is entitled to be heard.

(7) For a felony offense:

(a) during any period that the offender is incarcerated, the department of corrections shall take a percentage, as set by department rule, of any money in any account of the defendant administered by the department and use the money to satisfy any existing payment obligation to the office of the state public defender;

(b) at the beginning of any period during which the offender is not incarcerated, the offender shall sign a statement allowing any employer of the offender to garnish up to 25% of the offender's compensation and give the garnished amounts to the department of corrections to be used by the department to satisfy any existing payment obligation; and

(c) during any period that the defendant is on probation or parole, the probation and parole officer shall set a monthly payment amount to be paid.

(8) The department of corrections shall give the department of revenue a copy of the order to make payments to the office of the state public defender. If full payment has not been made, the department of revenue shall intercept any state tax refunds and any federal tax refunds, as provided by law, due the offender and transfer the money to the department of corrections for a felony offense and to the sentencing court for a misdemeanor offense for disbursement to the office of the state public defender. The department of revenue may charge the department of corrections a fee to recover its costs of intercepting a tax refund. The fee may not exceed the amount charged a state agency for debt collection services under Title 17, chapter 4.

(9) As provided in 46-18-201, a sentencing court shall, as part of the sentence, require an offender to fully compensate the office of state public defender for the costs of counsel. The duty to pay the costs of counsel under the sentence remains with the offender or the offender's estate until full payment is made, whether or not the offender is under state supervision. If the offender is under state supervision, payment of costs of counsel is a condition of any probation or parole.

(10)(a) The offender shall pay the cost of supervising the payment of costs of counsel by paying an amount equal to 10% of the costs of counsel, but not less than $5.

(b) A felony offender shall pay the restitution and cost of supervising the payment of costs of counsel to the department of corrections until the offender has fully paid the costs of counsel and the cost of supervising the payment of costs of counsel. The department shall pay the costs of counsel to the office of state public defender. The department may contract with a government agency or private entity for the collection of the payments for costs of counsel and the cost of collecting the payments for costs of counsel during the period following state supervision or state custody of the offender. The department shall adopt rules to implement this subsection (10)(b).

(c) In a misdemeanor case, payment of costs of counsel and of the cost of supervising the payment of costs of counsel must be made to the court until the offender has fully paid the costs of counsel and the cost of supervising the payment of costs of counsel. The court shall disburse the money to the entity employing the person ordered to supervise costs of counsel, which shall disburse the costs of counsel to the office of state public defender.

(11) If at any time the court finds that, because of circumstances beyond the offender's control, the offender is not able to pay the costs of counsel, the court may order the offender to perform community service during the time that the offender is unable to pay. The offender must be given a credit against costs of counsel due at the rate of the hours of community service times the state minimum wage in effect at the time that the community service is performed.""

Insert: "Section 4. Section 47-1-102, MCA, is amended to read:

"47-1-102. Purpose. The purposes of this chapter are to:

(1) establish a statewide public defender system to provide effective assistance of counsel to indigent criminal defendants and other persons in civil cases who are entitled by law to assistance of counsel at public expense;

(2) ensure that the system is free from undue political interference and conflicts of interest;

(3) provide that public defender services are delivered by qualified and competent counsel in a manner that is fair and consistent throughout the state;

(4) establish a system that utilizes state employees, contracted services, or other methods of providing services in a manner that is responsive to and respective of regional and community needs and interests; ~~and~~

(5) ensure that adequate public funding of the statewide public defender system is provided and managed in a fiscally responsible manner; and

(6) ensure that clients of the statewide public defender system pay reasonable costs for services provided by the system based on the clients' financial ability to pay.""

Insert: "Section 5. Section 47-1-105, MCA, is amended to read:

"47-1-105. Commission -- duties -- report -- rules. The commission shall supervise and direct the system. In addition to other duties assigned pursuant to this chapter, the commission shall:

(1) establish the qualifications, duties, and compensation of the chief public defender, as provided in 47-1-201, appoint a chief public defender after considering qualified applicants, and regularly evaluate the performance of the chief public defender;

(2) establish statewide standards for the qualification and training of attorneys providing public defender services to ensure that services are provided by competent counsel and in a

manner that is fair and consistent throughout the state. The standards must take into consideration:

(a) the level of education and experience that is necessary to competently handle certain cases and case types, such as criminal, juvenile, abuse and neglect, civil commitment, capital, and other case types in order to provide effective assistance of counsel;

(b) acceptable caseloads and workload monitoring protocols to ensure that public defender workloads are manageable;

(c) access to and use of necessary professional services, such as paralegal, investigator, and other services that may be required to support a public defender in a case;

(d) continuing education requirements for public defenders and support staff;

(e) practice standards;

(f) performance criteria; and

(g) performance evaluation protocols.

(3) review and approve the strategic plan and budget proposals submitted by the chief public defender and the administrative director;

(4) review and approve any proposal to create permanent staff positions;

~~(5) establish policies and procedures for identifying cases in which public defenders may have a conflict of interest and for ensuring that cases involving a conflict of interest are handled according to professional ethical standards;~~

(5) establish and oversee a conflicts office with a conflicts manager responsible for conflicts of interest and for ensuring that cases involving a conflict of interest are handled according to professional ethical standards;

(6) establish policies and procedures for handling excess caseloads;

(7) establish policies and procedures to ensure that detailed expenditure and caseload data is collected, recorded, and reported to support strategic planning efforts for the system;

(8) adopt administrative rules pursuant to the Montana Administrative Procedure Act to implement the provisions of this chapter; and

(9) submit a biennial report to the governor, the supreme court, and the legislature, as provided in 5-11-210. Each interim, the commission shall also specifically report to the law and justice interim committee established pursuant to 5-5-202 and 5-5-226. The report must cover the preceding biennium and include:

(a) all policies or procedures in effect for the operation and administration of the statewide public defender system;

(b) all standards established or being considered by the commission or the chief public defender;

(c) the number of deputy public defenders and the region supervised by each;

(d) the number of public defenders employed or contracted with in the system, identified by region;

(e) the number of attorney and nonattorney staff supervised by each deputy public defender;

(f) the number of new cases in which counsel was assigned to represent a party, identified by region, court, and case type;

(g) the total number of persons represented by the office, identified by region, court, and case type;

(h) the annual caseload and workload of each public defender, identified by region, court, and case type, except for the offices of chief public defender and deputy public defender;

(i) the training programs conducted by the office and the number of attorney and nonattorney staff who attended each program;

(j) the continuing education courses on criminal defense or criminal procedure attended by each public defender employed or contracted with in the system; and

(k) detailed expenditure data by court and case type.""

Insert: "Section 6. Section 47-1-111, MCA, is amended to read:

"47-1-111. Eligibility -- determination of indigence -- rules. (1) (a) When a court orders the office to assign counsel, the office shall immediately assign counsel prior to a determination under this section.

(b) If the person for whom counsel has been assigned is later determined pursuant to this section to be ineligible for public defender services, the office shall immediately notify the court so that the court's order may be rescinded.

(c) A person for whom counsel is assigned is entitled to the full benefit of public defender services until the court's order requiring the assignment is rescinded.

(d) Any determination pursuant to this section is subject to the review and approval of the court. The propriety of an assignment of counsel by the office is subject to inquiry by the court, and the court may deny an assignment.

(2) (a) An applicant who is eligible for a public defender ~~only~~ because the applicant is indigent shall also provide a detailed financial statement and sign an affidavit. The court shall advise the defendant that the defendant is subject to criminal charges for any false statement made on the financial statement.

(b) The application, financial statement, and affidavit must be on a form prescribed by the commission. The affidavit must clearly state that it is signed under the penalty of perjury and that a false statement may be prosecuted. The judge may inquire into the truth of the information contained in the affidavit.

(c) Information disclosed in the application, financial statement, or affidavit is not admissible in a civil or criminal action except when offered for impeachment purposes or in a subsequent prosecution of the applicant for perjury or false swearing.

(d) The office may not withhold the timely provision of public defender services for delay or failure to fill out an application. However, a court may find a person in civil contempt of court for a person's unreasonable delay or failure to comply with the provisions of this subsection (2).

(3) An applicant is indigent if:

(a) the applicant's gross household income, as defined in 15-30-2337, is at or less than 133% of the poverty level set according to the most current federal poverty guidelines updated periodically in the Federal Register by the United States department of health and human services under the authority of 42 U.S.C. 9902(2); or

(b) the disposable income and assets of the applicant and the members of the applicant's household are insufficient to retain competent private counsel without substantial hardship to the applicant or the members of the applicant's household.

(4) A determination of indigence may not be denied based solely on an applicant's ability to post bail or solely because the applicant is employed.

(5) A determination may be modified by the office or the court if additional information becomes available or if the applicant's financial circumstances change.

(6) The commission shall establish procedures and adopt rules to implement this section.

Commission procedures and rules:

(a) must ensure that the eligibility determination process is fair and consistent statewide;

(b) must allow a qualified private attorney to represent an applicant if the attorney agrees to accept from the applicant a compensation rate that will not constitute a substantial financial hardship to the applicant or the members of the applicant's household;

(c) may provide for the use of other public or private agencies or contractors to conduct eligibility screening under this section;

(d) must avoid unnecessary duplication of processes; and

(e) must prohibit individual public defenders from performing eligibility screening pursuant to this section.""

Insert: "Section 7. Section 47-1-202, MCA, is amended to read:

"47-1-202. Chief public defender -- duties. (1) In addition to the duties provided in 47-1-201, the chief public defender shall:

~~(1) act as secretary to the commission and provide administrative staff support to the commission;~~

~~(2)~~(a) assist the commission in establishing the state system and establishing the standards, policies, and procedures required pursuant to this chapter;

~~(3)~~(b) develop and present for the commission's approval a regional strategic plan for the delivery of public defender services;

~~(4) establish processes and procedures to ensure that when a case that is assigned to the office presents a conflict of interest for a public defender, the conflict is identified and handled appropriately and ethically;~~

~~(5)~~(c) establish processes and procedures to ensure that office and contract personnel use information technology and caseload management systems so that detailed expenditure and caseload data is accurately collected, recorded, and reported;

~~(6)~~(d) establish administrative management procedures for regional offices;

~~(7)~~(e) establish procedures for managing caseloads and assigning cases in a manner that ensures that public defenders are assigned cases according to experience, training, and manageable caseloads and taking into account case complexity, the severity of charges and potential punishments, and the legal skills required to provide effective assistance of counsel;

~~(8)~~(f) establish policies and procedures for assigning counsel in capital cases that are consistent with standards issued by the Montana supreme court for counsel for indigent persons in capital cases;

~~(9)~~(g) establish and supervise a training and performance evaluation program for attorneys and nonattorney staff members and contractors;

~~(10)~~(h) establish procedures to handle complaints about public defender performance and to ensure that public defenders, office personnel, and clients are aware of avenues available for bringing a complaint and that office procedures do not conflict with the disciplinary jurisdiction of the supreme court and the rules promulgated pursuant to Article VII, section 2, of the Montana constitution and the applicable provisions of Title 37, chapter 61;

~~(11) maintain a minimum client caseload, as determined by the commission;~~

~~(12)~~(i) actively seek gifts, grants, and donations that may be available through the federal government or other sources to help fund the system; and

~~(13)~~(j) perform all other duties assigned by the commission pursuant to this chapter.

(2) The chief public defender may not maintain a client caseload.""

Insert: "Section 8. Section 47-1-205, MCA, is amended to read:

"47-1-205. Office of appellate defender -- chief appellate defender. (1) There is within the office an office of appellate defender. The office of appellate defender must be located in Helena, Montana.

(2) Beginning July 1, 2006, the chief public defender shall hire and supervise a chief appellate defender to manage and supervise the office of appellate defender.

(3) The chief appellate defender shall:

(a) manage and supervise all public defender services provided by the office of appellate defender;

(b) ensure that when a court orders the office to assign an appellate lawyer or when a defendant or petitioner is otherwise entitled to an appellate public defender, the assignment is made promptly to a qualified and appropriate appellate defender who is immediately available to the defendant or petitioner when necessary;

(c) ensure that appellate defender assignments comply with the provisions of 47-1-202~~(7)~~(1)(e) and standards for counsel for indigent persons in capital cases issued by the Montana supreme court;

(d) hire and supervise the work of office of appellate defender personnel as authorized by the appellate defender;

(e) contract for services as provided in 47-1-216 and as authorized by the chief public defender according to the strategic plan for the delivery of public defender services;

(f) keep a record of appellate defender services and expenses of the appellate defender office and submit records and reports to the chief public defender as requested;

(g) implement standards and procedures established by the commission and the chief public defender for the office of appellate defender;

(h) maintain a minimum client caseload as determined by the chief public defender; and

(i) perform all other duties assigned to the chief appellate defender by the chief public defender.""

Insert: "Section 9. Section 47-1-215, MCA, is amended to read:

"47-1-215. Regional offices -- deputy public defenders -- office space. (1) ~~Beginning July 1, 2006, the~~ The chief public defender shall hire, assign, and supervise a deputy public defender to manage and supervise each regional office established pursuant to 47-1-104(2).

(2) Each deputy public defender shall:

(a) manage and supervise all public defender services provided within the deputy public defender's assigned region;

(b) establish protocols so that when a court orders the office to assign counsel, the assignment is made promptly to an appropriate public defender and so that a public defender is immediately available when necessary;

(c) ensure that public defender assignments within the region comply with the provisions of 47-1-202~~(7)~~(1)(e);

(d) hire and supervise the work of regional office personnel as authorized by the chief public defender;

(e) contract for services as provided in 47-1-216 and authorized by the chief public

defender according to the strategic plan approved by the commission;

(f) keep a record of public defender and associated services and expenses in the region and submit the records to the chief public defender as requested;

(g) implement the standards and procedures established by the commission and chief public defender for the region; and

~~(h) maintain a minimum client caseload as determined by the chief public defender; and~~

~~(i)~~(h) perform all other duties as assigned by the chief public defender.

(3) Expenses for office space required for regional offices, including rent, utilities, and maintenance, must be paid by the office and may not be considered a county or city obligation.""

Insert: "Section 10. Section 47-1-216, MCA, is amended to read:

"47-1-216. Contracted services -- rules. (1) The commission shall establish standards for a statewide contracted services program that ensures that contracting for public defender services is done fairly and consistently statewide and within each public defender region.

(2) The chief contract manager shall oversee the contracting program and may not maintain a client caseload.

~~(2)~~(3) ~~Beginning July 1, 2006, the~~ The state office and each regional office, in a manner consistent with statewide standards adopted by the commission pursuant to this section, may contract to provide public defender, professional nonattorney, and other personal services necessary to deliver public defender services within each public defender region. All contracting pursuant to this section is exempt from the Montana Procurement Act, as provided in 18-4-132.

~~(3)~~(4) Contracts may not be awarded based solely on the lowest bid or provide compensation to contractors based solely on a fixed fee paid irrespective of the number of cases assigned.

~~(4)~~(5) Contracting for public defender services must be done through a competitive process that must, at a minimum, involve the following considerations:

(a) attorney qualifications necessary to provide effective assistance of counsel that meets the standards established by the commission;

(b) attorney qualifications necessary to provide effective assistance of counsel that meet the standards issued by the Montana supreme court for counsel for indigent persons in capital cases;

(c) attorney access to support services, such as paralegal and investigator services;

(d) attorney caseload, including the amount of private practice engaged in outside the contract;

(e) reporting protocols and caseload monitoring processes;

(f) a process for the supervision and evaluation of performance;

(g) a process for conflict resolution; and

(h) continuing education requirements in accordance with standards set by the commission.

~~(5)~~(6) The chief public defender and deputy public defenders shall provide for contract oversight and enforcement to ensure compliance with established standards.

~~(6)~~(7) The commission shall adopt rules to establish reasonable compensation for attorneys contracted to provide public defender services and for others contracted to provide nonattorney services.

(8) Contract attorneys may not take any money or benefit from an appointed client or from anyone for the benefit of the appointed client.

(9) The commission shall limit the number of contract attorneys so that all contracted attorneys may be meaningfully evaluated.

(10) The commission shall implement rules requiring evaluation of every contract attorney on an annual basis by the chief contract manager based on written evaluation criteria.""

Insert: "NEW SECTION. **Section 11. Conflicts of interest.** (1) The commission shall establish a conflicts office to contract for attorneys to represent indigent defendants in circumstances where, because of conflict of interest, the public defender program is unable to provide representation to a defendant.

(2) The commission shall appoint a conflicts manager to oversee the office. The conflicts manager reports directly to the commission and not to the chief public defender. The conflicts manager may not handle cases.

(3) All attorneys contracted for conflict of interest cases shall report to the conflicts manager."

Insert: "NEW SECTION. **Section 12. Implementation -- termination of current terms -- appointments.** (1) The terms of the current members of the public defender commission terminate June 30, 2011.

(2)(a) The governor shall appoint seven members of the public defender commission, as provided in 2-15-1028, to terms beginning on July 1, 2011, as follows:

(i) two members to terms ending June 30, 2012;

(ii) two members to terms ending June 30, 2013; and

(iii) three members to terms ending June 30, 2014.

(b) As the terms expire as provided in subsection (2)(a), members must be appointed to 3-year terms."

Insert: "NEW SECTION. **Section 13. Codification instruction.** [Section 11] is intended to be codified as an integral part of Title 47, chapter 1, part 1, and the provisions of Title 47, chapter 1, part 1, apply to [section 11]."

Insert: "NEW SECTION. **Section 14. Effective date.** [This act] is effective on passage and approval.

And, as amended, be concurred in. Report adopted.

HB 117, be concurred in. Report adopted.
HB 250, be concurred in. Report adopted.
HB 292, be concurred in. Report adopted.

TAXATION (Tutvedt, Chairman): 3/18/2011
SB 358, introduced bill, be amended as follows:

1. Title, line 9 through line 10.
Strike: ", INCLUDING ADJACENT AREAS OR DISTRICTS"

2. Page 29, line 10 through line 11.
Strike: "OR IF" on line 10 through "640 ACRES" on line 11

And, as amended, do pass. Report adopted.

SB 382, introduced bill, be amended as follows:

1. Title, lines 5 and 6.
Strike: "; AND" on line 5 through "DATE" on line 6

2. Page 1, line 12.
Following: line 11
Insert: "current year"

3. Page 1, line 14.
Strike: "justification for including each"
Insert: "rationale for adding or deleting a"
Following: "property"
Insert: "from those included"
Following: "study"
Insert: "in the prior year"

4. Page 1, line 16.
Following: line 15
Insert: "current year"
Strike: "at least"

5. Page 1, line 17.
Following: "issuing"
Insert: "the current year"

6. Page 1, line 18.
Strike: "10"
Insert: "20"
Strike: "receipt"
Insert: "the close of the comment period"

7. Page 1, line 21.
Following: "value"
Insert: "by more than 15%"

8. Page 1, line 24.
Insert: "(5) Nothing in this section may be construed as affecting an appraisal judgment.
(6) Inaccuracy or inadequacy of compliance with this section does not invalidate a determination of value or provide independent grounds for appeal."

9. Page 1, line 28.
Strike: section 3 in its entirety

And, as amended, do pass. Report adopted.

SJR 17, introduced joint resolution, be amended as follows:

1. Page 1, line 10 through page 1, line 28.
Strike: page 1, line 10 through page 1, line 28 in their entirety
Insert: "WHEREAS, the Legislature has heard concerns about centrally assessed property and large industrial facility taxation; and"

2. Page 1, line 30.
Strike: "; and"
Insert: "."

3. Page 2, line 1 through line 7.
Strike: line 1 through line 7 in their entirety

4. Page 3, line 4.
Following: "assessment"
Insert: ", including equalization with other classes of property,"

And, as amended, do pass. Report adopted.

HB 111, be amended as follows:

1. Page 1, line 24.
Following: "fund"
Insert: "and distribute the portion of the amount deducted that was paid with federal funds to the department of administration for return to the federal government as provided in 17-3-106(2)"

2. Page 1, line 27.
Following: "fund,"
Insert: "distributed to the department of administration,"

3. Page 3, line 1.
Following: "fund"
Insert: "and distribute the portion of taxes paid with federal funds to the federal government"

And, as amended, be concurred in. Report adopted.

HB 333, be concurred in. Report adopted.
HB 467, be concurred in. Report adopted.

MESSAGES FROM THE GOVERNOR

March 17, 2011

The Honorable Jim Peterson
President of the Senate
State Capitol
Helena, Montana 59620

Dear Senator Peterson:

Please be informed that I have signed **Senate Bill 21** sponsored by Senator Shockley, **Senate Bill 27** sponsored by Senator Kaufmann, **Senate Bill 31** sponsored by Senator Wanzenried, **Senate Bill 62** sponsored by Senator Jones, and **Senate Bill 72** sponsored by Senator Gillan on March 17, 2011.

Sincerely,

BRIAN SCHWEITZER
Governor

March 17, 2011

The Honorable Jim Peterson
President, Montana State Senate
Capitol Station
Helena, Montana 59620

Dear President Peterson:

Attached is the fourth list of appointments to various boards, councils and commissions submitted to the Montana State Senate for confirmation. For each appointment, the following information has been supplied:

Reference to statute and a brief description of the statute
Name, address and phone number(s) for each appointee
Appointee qualifications and term of appointment
Brief biographies

Additional information, including a complete list of gubernatorial appointees, is available online at: http://boards.mt.gov. Please don't hesitate to contact our office if my staff or I can be of assistance to you.

Sincerely yours,

BRIAN SCHWEITZER
Governor

Copy to: Marilyn Miller, Senate Secretary; Susan Fox, Legislative Services Division

Board of Aeronautics
Alexander C. Edwards, Billings
Fred Lark, Lewistown
Robert Buckles, Bozeman
Charles Manning, Lakeside

Air Pollution Control Advisory Council
John Lei, Lame Deer
Dyrck Van Hyning, Great Falls
Edward Madler, Whitefish

Board of Environmental Review
Heidi Kaiser, Park City
Joseph Russell, Kalispell
Larry Mires, Glasgow

Fish Wildlife and Parks Commission
Dan Vermillion, Livingston
A.T. "Rusty" Stafne, Wolf Point

Hard Rock Mining Impact Board
Marianne Roose, Eureka
Donna von Nieda, Nye

Montana Historical Society Board of Trustees
Thomas Nygard, Bozeman
Crystal Wong Shors, Helena
Bob Brown, Whitefish

Board of Investments
Karl Englund, Missoula
Jon Satre, Helena
Gary Buchanan, Billings
Quinton Nyman, Helena

Board of Labor Appeals
JP Pomnichowski, Bozeman

Board of Occupational Therapy Practice
Cindy Stergar, Butte
Nate Naprstek, Bozeman

Board of Real Estate Appraisers
Todd Schmidt, Kalispell
Anzarina Moore, Great Falls

Board of Social Work Examiners and Professional Counselors
Peter Degel, Helena
Rosemary Hertel, Deer Lodge
Beverley McCurry, Columbus

State Compensation Insurance Fund Board
Elizabeth Best, Great Falls
Joe Brenneman, Kalispell
Wayne Dykstra, Billings

OTHER HOUSE MESSAGES

Senate bills concurred in and returned to the Senate: 3/17/2011

SB 32, introduced by Wanzenried
SB 38, introduced by Hawks

Senate bills concurred in as amended and returned to the Senate for concurrence in House amendments:
3/17/2011

SB 28, introduced by Kaufmann
SB 36, introduced by Hamlett

MOTIONS

Senator Essmann moved **HB 106** be moved from the Committee of the Whole to the Judiciary committee. Without objection, so ordered.

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 412, introduced by Augare, Ankney, Belcourt, Blasdel, Evans, Hendrick, O'Hara, Pease-Lopez, Small, F. Smith, Welborn, Buttrey, Facey, Gillan, Jones, Kaufmann, Sonju, Steinbeisser, Stewart-Peregoy, Vincent, C. Williams, Windy Boy, Zinke, referred to Taxation.
SB 413, introduced by Balyeat, Tutvedt, referred to Taxation.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Essmann moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Moore in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 251 - Senator Kaufmann moved **SB 251** do pass. Motion **failed** as follows:
Yeas: Blewett, Branae, Caferro, Erickson, Essmann, Facey, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Murphy, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Williams.
Total 20

Nays: Arthun, Augare, Balyeat, Barrett, Brenden, Brown, Buttrey, Gallus, Hinkle, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Vincent, Walker, Windy Boy, Wittich, Zinke, Mr. President.
Total 29

Absent or not voting: None.
Total 0

Excused: Hutton.
Total 1

SB 251 - Senator Essmann moved **SB 251** be **indefinitely postponed**. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Gallus, Hinkle, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Vincent, Walker, Windy Boy, Wittich, Zinke, Mr. President.
Total 31

Nays: Blewett, Branae, Caferro, Erickson, Facey, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Murphy, Van Dyk, Vuckovich, Wanzenried, Williams.
Total 18

Absent or not voting: None.
Total 0

Excused: Hutton.
Total 1

SB 299 - Senator Hamlett moved **SB 299** do pass. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Erickson,

Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 47

Nays: Caferro, Stewart-Peregoy.
Total 2

Absent or not voting: None.
Total 0

Excused: Hutton.
Total 1

SJR 15 - Senator Tutvedt moved **SJR 15** do pass. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moss, Mowbray, Murphy, Olson, Priest, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 47

Nays: Moore, Ripley.
Total 2

Absent or not voting: None.
Total 0

Excused: Hutton.
Total 1

HB 402 - Senator Vincent moved consideration of **HB 402** be passed for the day. Without objection, so ordered.

HB 219 - Senator Essmann moved **HB 219** be concurred in. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Gillan, Hinkle, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 21

Absent or not voting: None.
Total 0

Excused: Hutton.
Total 1

HB 273 - Senator Ripley moved **HB 273** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 47

Nays: Erickson, Van Dyk.
Total 2

Absent or not voting: None.
Total 0

Excused: Hutton.
Total 1

HB 536 - Senator Wittich moved **HB 536** be concurred in. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Windy Boy, Wittich, Zinke, Mr. President.
Total 45

Nays: Augare, Erickson, Larsen, Williams.
Total 4

Absent or not voting: None.
Total 0

Excused: Hutton.
Total 1

HB 573 - Senator Van Dyk moved **HB 573** be concurred in. Motion carried as follows:
Yeas: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jackson, Jent, Kaufmann, Keane, Larsen, Moss, Priest, Shockley, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 25

Nays: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Ripley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 24

Absent or not voting: None.
Total 0

Excused: Hutton.
Total 1

HJR 1 - Senator Balyeat moved **HJR 1** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Jackson, Jent, Jones, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Wittich, Zinke, Mr. President.
Total 43

Nays: Caferro, Erickson, Kaufmann, Stewart-Peregoy, Williams, Windy Boy.
Total 6

Absent or not voting: None.
Total 0

Excused: Hutton.
Total 1

Senator Essmann moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Peterson in the chair. Chairman Moore moved the Committee of the Whole report be adopted. Report adopted as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Jackson, Jent, Jones, Keane, Lake, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Windy Boy, Wittich, Zinke, Mr. President.
Total 44

Nays: Erickson, Kaufmann, Larsen, Wanzenried, Williams.
Total 5

Absent or not voting: None.
Total 0

Excused: Hutton.
Total 1

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 42 concurred in as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 48

Nays: Walker.
Total 1

Absent or not voting: None.
Total 0

Excused: Hutton.
Total 1

HB 49 concurred in as follows:
Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 43

Nays: Balyeat, Hinkle, Sonju, Vincent, Walker, Wittich.
Total 6

Absent or not voting: None.
Total 0

Excused: Hutton.
Total 1

HB 110 concurred in as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Ripley, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

Total 45

Nays: Priest, Sonju, Walker, Wittich.
Total 4

Absent or not voting: None.
Total 0

Excused: Hutton.
Total 1

HB 141 concurred in as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Gallus, Hamlett, Hawks, Hinkle, Jackson, Jent, Jones, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Windy Boy, Wittich, Zinke, Mr. President.
Total 45

Nays: Facey, Gillan, Kaufmann, Williams.
Total 4

Absent or not voting: None.
Total 0

Excused: Hutton.
Total 1

HB 181 concurred in as follows:
Yeas: Arthun, Balyeat, Barrett, Blewett, Branae, Brown, Buttrey, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moss, Mowbray, Murphy, Olson, Priest, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Williams, Wittich, Zinke, Mr. President.
Total 42

Nays: Augare, Brenden, Essmann, Moore, Ripley, Vincent, Windy Boy.
Total 7

Absent or not voting: None.
Total 0

Excused: Hutton.
Total 1

HB 213 concurred in as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Ripley, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 45

Nays: Priest, Sonju, Vincent, Walker.
Total 4

Absent or not voting: None.
Total 0

Excused: Hutton.
Total 1

HB 259 concurred in as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gillan, Hamlett, Hawks, Hinkle, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 48

Nays: Gallus.
Total 1

Absent or not voting: None.
Total 0

Excused: Hutton.
Total 1

HB 293 concurred in as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Gallus, Gillan, Hamlett, Hawks, Hinkle, Jackson, Jent, Jones, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Stewart-Peregoy, Tropila, Vincent, Vuckovich, Walker, Wanzenried, Williams, Wittich, Zinke, Mr. President.
Total 41

Nays: Erickson, Essmann, Facey, Kaufmann, Steinbeisser, Tutvedt, Van Dyk, Windy Boy.
Total 8

Absent or not voting: None.
Total 0

Excused: Hutton.
Total 1

HB 446 failed as follows:
Yeas: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 23

Nays: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 27

Paired: Gillan, Aye; Hutton, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 484 concurred in as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brown, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Jackson, Jent, Kaufmann, Keane, Lake, Larsen, Moore, Moss, Mowbray, Murphy, Ripley, Shockley, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Wittich, Mr. President.
Total 38

Nays: Brenden, Buttrey, Jones, Lewis, Olson, Priest, Sonju, Steinbeisser, Vincent, Walker, Zinke.
Total 11

Absent or not voting: None.
Total 0

Excused: Hutton.
Total 1

HB 497 concurred in as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Gallus, Hamlett, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Larsen, Lewis, Moore, Mowbray, Murphy, Olson,

Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 33

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gillan, Hawks, Kaufmann, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 17

Paired: Hutton, Aye; Gillan, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

REPORTS OF STANDING COMMITTEES

TAXATION (Tutvedt, Chairman): 3/18/2011
SB 371, introduced bill, be amended as follows:

1. Title, page 1, line 6 through line 9.
Strike: "PROVIDING" on line 6 through "CHEMICALS;" on line 9

2. Title, page 1, lines 10 AND 11.
Strike: "15-6-219" on line 10 through "27-1-720," on line 11
Following: "90-1-118" on line 11
Strike: ","

3. Title, page 1, line 11 through line 12.
Following: "DATE"
Strike: "AND" on line 11 through "DATES" on line 12

4. Page 1, line 16.
Strike: "7"
Insert: "4"

5. Page 1, line 30.
Strike: "7"
Insert: "4"

6. Page 2, line 2.
Strike: subsection (1) in its entirety
Renumber: subsequent subsections

7. Page 2, line 7 through line 9.
Strike: subsection (4) in its entirety
Renumber: subsequent subsections

8. Page 2, line 20 through page 3, line 17.
Strike: sections 4 and 5 in its entirety
Renumber: subsequent subsections

9. Page 3, line 23 through page 11, line 21.
Strike: section 7 through section 12 in their entirety
Renumber: subsequent sections

10. Page 12, line 14.
Strike: "6"
Insert: "4"

11. Page 13, line 1.
Strike: "6"
Insert: "4"

12. Page 13, line 4.
Strike: "(1)"
Strike: "7"
Insert: "4"

13. Page 13, line 6.
Strike: "7"
Insert: "4"

14. Page 13, lines 7 and 8.
Strike: subsection (2) in its entirety

15. Page 13, line 16 through line 20.
Strike: section 18 in its entirety

And, as amended, do pass. Report adopted.

FIRST READING AND COMMITMENT OF BILLS

The following Senate bill was introduced, read first time, and referred to committee:

SB 414, introduced by Vincent, Hamlett, Zinke, Brenden, Balyeat, Hinkle, Cuffe, B. Bennett, Walker, Lewis, Hutton, J. Peterson, Tutvedt, Murphy, Mowbray, Augare, Jackson, Brown, De. Barrett, Ripley, Moore, Olson, Jones, Buttrey, Steinbeisser, Lake, Sonju, Kennedy, Essmann, Arthun, Priest, C. Smith, referred to Finance and Claims.

MOTIONS

Senator Windy Boy moved to change his vote on **HB 497** from Yes to No. Without objection, so ordered.

Senator Wanzenried moved to reconsider third reading action on **HB 446**. Motion **failed** as follows:
Yeas: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Nays: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 27

Absent or not voting: None.
Total 0

Excused: Hutton.
Total 1

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Essmann moved that the Senate adjourn until 8:00 a.m., Saturday, March 19, 2011. Motion carried.

Senate adjourned at 2:48 p.m.

MARILYN MILLER
Secretary of the Senate

JIM PETERSON
President of the Senate

SENATE JOURNAL
62ND LEGISLATURE
SIXTY-SECOND LEGISLATIVE DAY

Helena, Montana — Senate Chambers
March 19, 2011 — State Capitol

Senate convened at 8:00 a.m. President Peterson presiding. Invocation by Senator Mitch Tropila. Pledge of Allegiance to the Flag. Roll Call. All members present, except Senators Gillan, Hutton, Stewart-Peregoy, Windy Boy excused. Quorum present.

Senator Windy Boy present.

BILLS AND JOURNALS: 3/19/2011

Correctly printed: **SB 299**, **SB 389**, **SJR 15**, **HB 80**, **HB 117**, **HB 219**, **HB 229**, **HB 250**, **HB 273**, **HB 292**, **HB 298**, **HB 319**, **HB 333**, **HB 428**, **HB 432**, **HB 449**, **HB 467**, **HB 479**, **HB 517**, **HB 531**, **HB 573**, **HJR 1**.
Examined by the sponsor and found to be correct: **SB 32**, **SB 34**, **SB 38**, **SB 67**, **SB 106**.
Signed by the President at 4:45 p.m., March 18, 2011: **SB 32**, **SB 34**, **SB 38**, **SB 67**, **SB 106**.
Correctly engrossed: **SB 319, SB 358, SB 371, SB 382, SJR 17, HB 111, HB 125, HB 216, HB 258, HB 277, HB 469, HB 536, HB 541, HB 584**.

Mr. President: We, your committee on Bills and Journals, having examined the daily journals for the forty-sixth, forty-seventh, forty-eighth, forty-ninth, and fiftieth legislative days, find the same to be correct.

Senator Brown, Chair

MESSAGES FROM THE GOVERNOR

March 18, 2011

The Honorable Jim Peterson
President of the Senate
State Capitol
Helena, Montana 59620

Dear Senator Peterson:

Please be informed that I have signed **Senate Bill 63** sponsored by Senator Steinbeisser and **Senate Bill 78** sponsored by Senator Ripley on March 18, 2011.

Sincerely,

BRIAN SCHWEITZER
Governor

REPORTS OF STANDING COMMITTEES

FINANCE AND CLAIMS (Lewis, Chairman): 3/17/2011
SB 343, do pass. Report adopted.
HB 90, be concurred in. Report adopted.

LOCAL GOVERNMENT (Sonju, Chairman): 3/18/2011
HB 212, be concurred in. Report adopted.
HB 338, be concurred in. Report adopted.
HB 403, be concurred in. Report adopted.
HB 516, be amended as follows:

1. Title, line 5.
Following: "ORDINANCES"
Strike: ", RESOLUTIONS, OR POLICIES"

2. Page 1, line 12.
Following: "ordinance"
Strike: ", resolution, or policy"

And, as amended, be concurred in. Report adopted.

HB 538, be amended as follows:

1. Page 1, line 23.
Following: "~~by~~"
Insert: "by"

And, as amended, be concurred in. Report adopted.

HB 542, be amended as follows:

1. Title, lines 4 and 5.
Strike: "GENERALLY" on line 4
Following: "REVISING" on line 4
Strike: "THE" on line 4 through "APPLICATIONS" on line 5
Insert: "PROVISIONS GOVERNING CRITERIA FOR LOCAL GOVERNMENT REVIEW OF PROPOSED SUBDIVISIONS AND INFORMATION PROVIDED AS PART OF A REVIEW"

2. Title, line 6 through line 7.
Following: "SCIENTIFIC" on line 6
Strike: "," on line 6 through "PEER-REVIEWED" on line 7

3. Title, line 15.
Strike: "76-3-604,"

Following: "76-3-608"
Strike: ","

4. Page 1, line 20 through page 4, line 5.
Strike: section 1 in its entirety
Renumber: subsequent sections

5. Page 5, line 18.
Strike: ", information,"

6. Page 5, lines 19 and 20.
Following: "regarding" on line 19
Insert: "wildlife, wildlife habitat, or the natural environment relating to"
Following: "review" on line 19
Strike: "of a subdivision application"
Following: "a" on line 20
Insert: "the best available"
Following: "scientific" on line 20
Strike: ", peer-reviewed"

7. Page 5, line 21.
Following: "comment"
Strike: ", information,"
Strike: "The" through "from a"
Insert: "A"

8. Page 5, line 23.
Following: "application"
Insert: "shall disclose that the entity has been involved in that effort prior to submitting a comment, an opinion, or information as provided in this subsection"

And, as amended, be concurred in. Report adopted.

STATE ADMINISTRATION (Shockley, Chairman): 3/19/2011
HB 142, be concurred in. Report adopted.

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 3/19/2011

SB 47, introduced by Vincent
SB 49, introduced by Branae
SB 92, introduced by Jent
SB 103, introduced by Jackson

SB 128, introduced by Lake
SB 189, introduced by Keane
SB 361, introduced by Ripley

Senate bill concurred in as amended and returned to the Senate for concurrence in House amendments:

3/18/2011

SB 52, introduced by Tropila

HB 29 - The House failed to concur in Senate amendments to **HB 29,** authorized the Speaker to appoint the following Conference Committee, and requested that the Senate appoint a like committee to confer on **HB 29:**

3/18/2011

Representative McNiven, Vice Chair
Representative Berry
Representative Court

Senate amendments to House bills concurred in: 3/18/2011

HB 64, introduced by Stahl
HB 82, introduced by Sands
HB 94, introduced by Arntzen

FIRST READING AND COMMITMENT OF BILLS

The following Senate bill was introduced, read first time, and referred to committee:

SB 415, introduced by Lake, referred to Energy and Telecommunications.

The following Senate joint resolution was introduced, read first time, and referred to committee:

SJR 18, introduced by Gillan, referred to Public Health, Welfare and Safety.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Essmann moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Hawks in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 389 - Senator Van Dyk moved **SB 389** do pass. Motion carried as follows:
Yeas: Augare, Balyeat, Barrett, Blewett, Branae, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Hamlett, Hawks, Hinkle, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen,

Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Shockley, Sonju, Steinbeisser, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Zinke, Mr. President.
Total 41

Nays: Arthun, Brenden, Ripley, Walker, Windy Boy, Wittich.
Total 6

Absent or not voting: None.
Total 0

Excused: Gillan, Hutton, Stewart-Peregoy.
Total 3

HB 117 - Senator Larsen moved **HB 117** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Hamlett, Hawks, Hinkle, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Gillan, Hutton, Stewart-Peregoy.
Total 3

HB 95 - Senator Shockley moved **HB 95** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brown, Caferro, Erickson, Essmann, Facey, Gallus, Hamlett, Hawks, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moss, Mowbray, Murphy, Olson, Shockley, Steinbeisser, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Mr. President.
Total 35

Nays: Balyeat, Brenden, Buttrey, Hinkle, Moore, Priest, Ripley, Sonju, Vincent, Walker, Wittich, Zinke.
Total 12

Absent or not voting: None.
Total 0

Excused: Gillan, Hutton, Stewart-Peregoy.

Total 3

HB 229 - Senator Keane moved **HB 229** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Hamlett, Hawks, Hinkle, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Gillan, Hutton, Stewart-Peregoy.
Total 3

HB 250 - Senator Shockley moved **HB 250** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Hamlett, Hawks, Hinkle, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Gillan, Hutton, Stewart-Peregoy.
Total 3

HB 298 - Senator Keane moved **HB 298** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Hamlett, Hawks, Hinkle, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 47

Nays: None.

Total 0

Absent or not voting: None.
Total 0

Excused: Gillan, Hutton, Stewart-Peregoy.
Total 3

HB 324 - Senator Facey moved **HB 324** be concurred in. Motion carried as follows:
Yeas: Augare, Blewett, Branae, Brown, Caferro, Erickson, Facey, Gallus, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Murphy, Shockley, Steinbeisser, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Mr. President.
Total 26

Nays: Arthun, Balyeat, Barrett, Brenden, Buttrey, Essmann, Hinkle, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Olson, Priest, Ripley, Sonju, Vincent, Walker, Wittich, Zinke.
Total 21

Absent or not voting: None.
Total 0

Excused: Gillan, Hutton, Stewart-Peregoy.
Total 3

HB 337 - Senator Wittich moved **HB 337** be concurred in. Motion **failed** as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Hamlett, Hawks, Hinkle, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Gillan, Hutton, Stewart-Peregoy.
Total 3

HB 401 - Senator Buttrey moved **HB 401** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Hamlett, Hawks, Hinkle, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley,

Sonju, Steinbeisser, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Gillan, Hutton, Stewart-Peregoy.
Total 3

HB 422 - Senator Vincent moved **HB 422** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Hamlett, Hawks, Hinkle, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Gillan, Hutton, Stewart-Peregoy.
Total 3

HB 432 - Senator Mowbray moved **HB 432** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Hamlett, Hawks, Hinkle, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Gillan, Hutton, Stewart-Peregoy.

Total 3

HB 449 - Senator Facey moved **HB 449** be concurred in. Motion carried as follows:
Yeas: Augare, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Hamlett, Hawks, Jackson, Jent, Keane, Lake, Larsen, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Shockley, Sonju, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Wittich.
Total 33

Nays: Arthun, Balyeat, Hinkle, Jones, Kaufmann, Moss, Ripley, Steinbeisser, Tutvedt, Vincent, Walker, Windy Boy, Zinke, Mr. President.
Total 14

Absent or not voting: None.
Total 0

Excused: Gillan, Hutton, Stewart-Peregoy.
Total 3

HB 481 - Senator Brenden moved **HB 481** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Hamlett, Hawks, Hinkle, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Steinbeisser, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 45

Nays: Sonju, Wittich.
Total 2

Absent or not voting: None.
Total 0

Excused: Gillan, Hutton, Stewart-Peregoy.
Total 3

HB 517 - Senator Tutvedt moved **HB 517** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Hamlett, Hawks, Hinkle, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 47

Nays: None.

Total 0

Absent or not voting: None.
Total 0

Excused: Gillan, Hutton, Stewart-Peregoy.
Total 3

HB 523 - Senator Buttrey moved **HB 523** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Hamlett, Hawks, Hinkle, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 45

Nays: Balyeat, Wittich.
Total 2

Absent or not voting: None.
Total 0

Excused: Gillan, Hutton, Stewart-Peregoy.
Total 3

HB 531 - Senator Mowbray moved **HB 531** be concurred in. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Vuckovich, Walker, Wittich, Zinke, Mr. President.
Total 28

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Tropila, Van Dyk, Wanzenried, Williams, Windy Boy.
Total 19

Absent or not voting: None.
Total 0

Excused: Gillan, Hutton, Stewart-Peregoy.
Total 3

HB 559 - Senator Priest moved **HB 559** be concurred in. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Branae, Brenden, Brown, Buttrey, Caferro, Essmann, Gallus, Hamlett, Hinkle, Jackson, Jones, Keane, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Vuckovich, Walker, Windy Boy,

Wittich, Zinke, Mr. President.
Total 34

Nays: Augare, Blewett, Erickson, Facey, Hawks, Jent, Kaufmann, Larsen, Moss, Tropila, Van Dyk, Wanzenried, Williams.
Total 13

Absent or not voting: None.
Total 0

Excused: Gillan, Hutton, Stewart-Peregoy.
Total 3

HB 568 - Senator Debby Barrett moved **HB 568** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Hamlett, Hawks, Hinkle, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Gillan, Hutton, Stewart-Peregoy.
Total 3

HJR 17 - Senator Zinke moved **HJR 17** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Hamlett, Hawks, Hinkle, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Gillan, Hutton, Stewart-Peregoy.

Total 3

Senator Essmann moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Peterson in the chair. Chairman Hawks moved the Committee of the Whole report be adopted. Report adopted as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Hamlett, Hawks, Hinkle, Jackson, Jones, Keane, Lake, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Windy Boy, Wittich, Zinke, Mr. President.
Total 41

Nays: Blewett, Jent, Kaufmann, Larsen, Wanzenried, Williams.
Total 6

Absent or not voting: None.
Total 0

Excused: Gillan, Hutton, Stewart-Peregoy.
Total 3

SPECIAL ORDERS OF THE DAY

Senator Brown thanked the pages for their work during the week of March 14-19, 2011.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 299 passed as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Hamlett, Hawks, Hinkle, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 47

Nays: Stewart-Peregoy.
Total 1

Paired: Jent, Aye; Stewart-Peregoy, No.

Absent or not voting: None.

Total 0

Excused: Gillan, Hutton.
Total 2

SB 317 passed as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Mr. President.
Total 26

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke.
Total 21

Absent or not voting: None.
Total 0

Excused: Gillan, Hutton, Stewart-Peregoy.
Total 3

SJR 15 adopted as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Lewis, Moss, Mowbray, Murphy, Olson, Priest, Shockley, Sonju, Steinbeisser, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 45

Nays: Larsen, Moore, Ripley.
Total 3

Paired: Gillan, Aye; Ripley, No.

Absent or not voting: None.
Total 0

Excused: Hutton, Stewart-Peregoy.
Total 2

HB 219 concurred in as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Gillan, Hinkle, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju,

Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 21

Paired: Brown, Gillan, Aye; Augare, Stewart-Peregoy, No.

Absent or not voting: None.
Total 0

Excused: Hutton.
Total 1

HB 273 concurred in as follows:
Yeas: Arthun, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Essmann, Facey, Gallus, Hamlett, Hawks, Hinkle, Jackson, Jent, Jones, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Windy Boy, Wittich, Zinke, Mr. President.
Total 41

Nays: Augare, Erickson, Kaufmann, Van Dyk, Wanzenried, Williams.
Total 6

Absent or not voting: None.
Total 0

Excused: Gillan, Hutton, Stewart-Peregoy.
Total 3

HB 536 concurred in as follows:
Yeas: Arthun, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Jackson, Jent, Jones, Keane, Lake, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Windy Boy, Wittich, Zinke, Mr. President.
Total 44

Nays: Augare, Erickson, Kaufmann, Larsen, Williams.
Total 5

Paired: Gillan, Stewart-Peregoy, Aye; Augare, Williams, No.

Absent or not voting: None.
Total 0

Excused: Hutton.
Total 1

HB 573 concurred in as follows:
Yeas: Augare, Balyeat, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Jackson, Jent, Kaufmann, Keane, Larsen, Moss, Murphy, Priest, Shockley, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Zinke.
Total 30

Nays: Arthun, Barrett, Brenden, Brown, Buttrey, Essmann, Jones, Lake, Lewis, Moore, Mowbray, Olson, Ripley, Sonju, Steinbeisser, Tutvedt, Vincent, Wittich, Mr. President.
Total 19

Paired: Gillan, Stewart-Peregoy, Aye; Brown, Olson, No.

Absent or not voting: None.
Total 0

Excused: Hutton.
Total 1

HJR 1 concurred in as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Jackson, Jent, Jones, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Wittich, Zinke, Mr. President.
Total 43

Nays: Caferro, Erickson, Kaufmann, Stewart-Peregoy, Williams, Windy Boy.
Total 6

Paired: Augare, Gillan, Aye; Caferro, Stewart-Peregoy, No.

Absent or not voting: None.
Total 0

Excused: Hutton.
Total 1

REPORTS OF STANDING COMMITTEES

LOCAL GOVERNMENT (Sonju, Chairman): 3/18/2011
HB 575, be amended as follows:

1. Title, line 4 through line 6.
Strike: "CLARIFYING" on line 4 through "BOUNDS" on line 6
Insert: "ALLOWING ANNEXATION OF CERTAIN PARCELS IF ALL OWNERS OF PROPERTY TO BE ANNEXED AGREE"

2. Title, line 12.
Following: "7-2-4606,"
Insert: "7-2-4608,"

3. Page 2, line 4 through line 7.
Strike: subsections (4) and (5) in their entirety

4. Page 2.
Following: line 26
Insert: "Section 3. Section 7-2-4608, MCA, is amended to read:

"7-2-4608. Restrictions on annexation power. (1) ~~No territory which,~~ Territory that is part of an incorporated city or town at the time ~~such~~ a petition for ~~such~~ proposed annexation is presented ~~to such council or legislative body, forms any part of any incorporated city or town shall~~ as provided in 7-2-4601 may not be annexed under the provisions of this part.

(2) ~~No~~ Except as provided in subsection (3), a parcel of land ~~which~~ that, at the time ~~such~~ a petition for ~~such~~ proposed annexation is presented to ~~such council or legislative~~ the governing body of a city or town, is used in whole or in part for agricultural, mining, smelting, refining, transportation, or any industrial or manufacturing purpose or for any purpose incident ~~thereto shall~~ to those uses may not be annexed under the provisions of this part.

(3) The provisions of subsection (2) do not apply if the petition submitted to the governing body of the city or town is signed by 100% of the owners of the land proposed to be annexed and the annexation is in accordance with the city's or town's adopted growth policy.""
Renumber: subsequent sections

5. Page 5, line 28 through line 30.
Strike: subsection (c) in its entirety

And, as amended, be concurred in. Report adopted.

MOTIONS

Senator Shockley moved **SB 187** be moved from the Committee of the Whole to the Finance and Claims committee.

SPECIAL ORDERS OF THE DAY

President Peterson stated the Governor's appointments have been referred to the various

Senate committees. President Peterson explained the appointment process.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Essmann moved that the Senate adjourn until 1:00 p.m., Monday, March 21, 2011. Motion carried.

Senate adjourned at 10:12 a.m.

MARILYN MILLER
Secretary of the Senate

JIM PETERSON
President of the Senate

SENATE JOURNAL
62ND LEGISLATURE
SIXTY-THIRD LEGISLATIVE DAY

Helena, Montana — Senate Chambers
March 21, 2011 — State Capitol

Senate convened at 1:00 p.m. President Peterson presiding. Invocation by Chaplain Keith Johnson. Pledge of Allegiance to the Flag. Roll Call. All members present. Quorum present.

BILLS AND JOURNALS: 3/21/2011

Correctly printed: **SB 343**, **SB 389**, **HB 90**, **HB 95**, **HB 117**, **HB 142**, **HB 212**, **HB 337**, **HB 338**, **HB 403**, **HB 422**, **HB 432**, **HB 517**, **HB 531**.
Correctly engrossed: **SB 403**, **HB 229**, **HB 250**, **HB 298**, **HB 324**, **HB 401**, **HB 449**, **HB 481**, **HB 516**, **HB 523**, **HB 538**, **HB 542**, **HB 559**, **HB 568**, **HB 575**, **HJR 17**.

LEGISLATIVE ADMINISTRATION (Brown, Chairman): 3/21/2011
MR. PRESIDENT:
We, your committee on Legislative Administration recommend that employment of the following attaches of the Senate be terminated as of 12:00 p.m., Saturday, March 19, 2011:

TITLE	NAME
Pages:	Morgan Callahan, Helena
	Aaron Carpenter, Great Falls
	Jake Hood, Helena
	Rebecca Lake, Polson
	Tanner Lee, Great Falls
	Ty Show, Browning

and recommend that the following attaches of the Senate be employed as of 8:00 a.m., Monday, March 21, 2011:

TITLE	NAME
Pages:	Emily Grinder, Cardwell
	Danielle Jacobs, Great Falls
	Emily Schwaller, Helena
	Shannon Sullivan, Butte
	Andora Tutvedt, Kalispell
	Micah Thompson, Helena

Report Adopted.

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Balyeat, Chairman): 3/21/2011
HB 179, be amended as follows:

1. Title, page 1, line 9.
Strike: "PROVIDING FOR" through "EMPLOYMENT;"

2. Page 1, line 24 through line 25.
Strike: "at the will" on line 24 through "for no reason" on line 25
Insert: "in the initial 30 days of employment"

3. Page 2, line 6.
Following: "(2), THE"
Insert: "term ""
Following: "PERIOD"
Insert: """
Strike: "OF EMPLOYMENT IS DETERMINED BY"
Insert: "means a period, as provided in a written policy of"

4. Page 2, line 7.
Strike: ", BUT MAY"
Insert: "provided to an employee on the first day of work, that does"

5. Page 2, line 10.
Strike: "PROBATIONARY PERIODS THAT BEGIN"
Insert: "employment beginning"

And, as amended, be concurred in. Report adopted.

EDUCATION AND CULTURAL RESOURCES (Zinke, Chairman): 3/18/2011
SB 403, introduced bill, be amended as follows:

1. Title, page 1, line 6.
Strike: "IMPROVEMENT"
Insert: "EXCELLENCE"

2. Title, page 1, line 12.
Following: "BUDGET;"
Insert: "ALLOWING A SCHOOL DISTRICT A ONE-TIME TRANSFER OF GENERAL FUND MONEY UNDER CERTAIN CONDITIONS;"

3. Title, page 1, line 22 through line 24.
Strike: "ALLOWING" on line 22 through "FUND;" on line 24

4. Page 2, line 7.
Strike: "Improvement"
Insert: "Excellence"

5. Page 2, line 29.
Strike: "**improvement**"
Insert: "**excellence**"

6. Page 2, line 30.
Strike: "improvement"
Insert: "excellence"

7. Page 3, line 1.
Strike: "improvement"
Insert: "excellence"

8. Page 3, line 30.
Following: "(4)"
Strike: "Each"
Insert: "By June 30, 2012, each"

9. Page 4, line 11.
Following: "growth"
Strike: "showing a minimum of 1 year's academic growth"

10. Page 4, line 12.
Following: "each"
Strike: "grade level"
Insert: "school"

11. Page 4, line 16.
Insert: "(3) Nothing in this section precludes the board of public education from adopting other measures of student performance not listed above."

12. Page 4, line 17.
Strike: "**improvement**"
Insert: "**excellence**"

13. Page 4, line 18.
Strike: "improvement"
Insert: "excellence"

14. Page 4, line 20.
Following: "policy"
Insert: "when no collective bargaining agreement applies"

15. Page 4, line 22.
Strike: "improvement"
Insert: "excellence"

16. Page 4, line 26.
Strike: "improvement"
Insert: "excellence"

17. Page 5, line 7.
Strike: "10%"
Insert: "5%"

18. Page 5, line 20.
Strike: "involvement"
Insert: "engagement"

19. Page 5, line 21.
Strike: "improvement"
Insert: "excellence"

20. Page 5, line 27.
Following: "bargaining"
Insert: "or district policy when no collective bargaining agreement applies"

21. Page 6.
Following: line 15
Insert: "(7) The intent of this section is to increase the flexibility and efficiency of school districts without an increase in local taxes. If the payment in subsection (6) is made from any school district fund supported by a nonvoted levy, the district may not increase its nonvoted levy for the purpose of restoring the amount of funds transferred."
Renumber: subsequent subsection

22. Page 6, line 16.
Strike: "improvement"
Insert: "excellence"

23. Page 6, line 20.
Strike: "improvement"
Insert: "excellence"

24. Page 7, line 10.
Following: "in a"
Strike: "timely"
Following: "manner"

Insert: "that is timely and protects the privacy rights of students and families as they relate to education"

25. Page 7, line 14.
Following: "develop"
Insert: "plans for"

26. Page 9, line 18.
Following: "Carbon"
Strike: "51.73%"
Insert: "51.72%"

27. Page 9, line 22.
Following: "Dawson"
Strike: "52.21%"
Insert: "52.22%"

28. Page 9, line 24.
Following: "Fergus"
Strike: "30.82%"
Insert: "30.83%"

29. Page 9, line 28.
Following: "Hill"
Strike: "35.49%"
Insert: "35.48%"

30. Page 9, line 29.
Following: "Liberty"
Strike: "42.06%"
Insert: "42.05%"

31. Page 10, line 2.
Following: "Petroleum"
Strike: "51.96%"
Insert: "51.94%"

32. Page 10, line 3.
Following: "Phillips"
Strike: "45.98%"
Insert: "45.99%"

33. Page 10, line 4.
Following: "Pondera"

Strike: "45.74%"
Insert: "45.73%"

34. Page 10, line 5.
Following: "Powder River"
Strike: "39.10%"
Insert: "39.09%"

35. Page 10, line 6.
Following: "Prairie"
Strike: "59.62%"
Insert: "59.61%"

36. Page 10, line 9.
Following: "Rosebud"
Strike: "60.67%"
Insert: "60.68%"

37. Page 10, line 10.
Following: "Sheridan"
Strike: "52.01%"
Insert: "52.00%"

38. Page 10, line 16.
Following: "Wibaux"
Strike: "50.84%"
Insert: "50.83%"

39. Page 11, line 14.
Following: "(1)(a)"
Strike: "By"
Insert: "Subject to [section 11], by"

40. Page 13, line 13.
Following: "~~subsection(2)(a)~~"
Strike: "20-9-331(3)(a)"
Insert: "15-36-331(3)(a)"

41. Page 13, line 18.
Following: "~~subsection(2)(a)~~"
Strike: "20-9-331(3)(a)"
Insert: "15-36-331(3)(a)"

42. Page 14, line 2.
Following: "(6)"

Strike: "The"
Insert: "Subject to [section 11], the"

43. Page 15, line 19.
Strike: "20-9-131"
Insert: "20-9-141"

44. Page 15, line 21.
Following: "year."
Insert: "The estimated revenue must be allocated in the district budget in accordance with subsection (7)."

45. Page 15, line 29 through line 30.
Following: "of the"
Strike: "remaining" on line 29 through "up to" on line 30
Insert: "amount by which"

46. Page 16, line 1.
Following: "budget"
Insert: "exceeds $1.25 million"

47. Page 16, line 2 through line 3.
Strike: "The amount" on line 2 through "June 30." on line 3
Insert: "Upon receipt of school district budget reports required under 20-9-134, the superintendent of public instruction shall provide the department of revenue with a list indicating, for each school district, the limitation in subsection (2). The department of revenue shall make the full quarterly distribution of oil and natural gas production taxes as required under 15-36-332(6) until the amount distributed reaches the limitation in subsection (2)."

48. Page 16, line 4.
Strike: "received from school districts' excess"
Insert: "of"
Following: "taxes"
Insert: "allocated to school districts under 15-36-331 but retained by the department of revenue in compliance with the restrictions in subsections (2) and (3) of this section"

49. Page 16, line 6.
Strike: "tax revenue remitted to"
Insert: "taxes allocated to the guarantee account in 15-36-331(3) plus the amounts retained by"
Following: "the state"
Strike: "from all school districts"
Insert: "under subsection (3) of this section"

50. Page 16, line 21 through line 23.
Strike: subsection (8) in its entirety

51. Page 17, line 10.
Strike: "the oil and natural gas impact schools"
Insert: "school districts receiving oil and natural gas production taxes under 15-36-331"

52. Page 17, line 18.
Strike: "11(7)(a)"
Insert: "11(5)(a)"

53. Page 17, line 19 through line 21.
Strike: "By October" on line 19 through "The" on line 21
Insert: "Any amounts appropriated by the legislature for distribution to school districts receiving oil and natural gas production taxes pursuant to 15-36-331 must be distributed by the"

54. Page 17, line 21.
Following: "instruction"
Strike: "shall calculate the payment"
Following: "to each"
Insert: "qualifying"
Following: "district"
Insert: ". The amount must be calculated"

55. Page 17, line 23.
Strike: "oil and natural gas impact school districts that remitted funds"
Insert: "school districts receiving oil and natural gas production taxes pursuant to 15-36-331"

56. Page 17, line 24 through line 25.
Strike: "account" on line 24 through "June 30" on line 25
Insert: the first "amount appropriated"

57. Page 17, line 28.
Strike: "By October 31, the"
Insert: "The"

58. Page 17, line 29.
Following: "to"
Insert: "qualifying"

59. Page 18.
Strike: line 4

60. Page 18, line 5.
Following: "any"
Strike: "purpose provided by law"
Insert: "of the purposes set forth in [section 13(1)]"

61. Page 18, line 8.
Following: "provisions of"
Strike: "this title"
Insert: "20-9-210"

62. Page 18, line 10.
Strike: "2014"
Insert: "2016"

63. Page 18, line 11.
Strike: "and nonbudgeted"

64. Page 18, line 12 through line 13.
Strike: "building fund, the impact aid fund, or "
Insert: "debt service fund or"

65. Page 18, line 14 through line 15.
Strike: "and a" on line 14 through "20-9-203" on line 15

66. Page 18, line 16.
Strike: "budget"
Insert: "combined ending fund balance for all budgeted funds included in subsection (1)"

67. Page 18, line 21.
Strike: "(4)"
Insert: "(5)"

68. Page 18, line 21 through line 22.
Strike: "and the" on line 21 through "20-9-203" on line 22

69. Page 18, line 22.
Strike: "reserves"
Insert: "combined ending fund balances"

70. Page 18, line 23.
Strike: "reserves"
Insert: "funds"

71. Page 18, line 25.
Strike: "those funds referred to in subsection (1)"
Insert: "the debt service fund, the building reserve fund, and bus depreciation reserve fund"
Following: line 25
Insert: "(4) Any funds that cannot be redistributed within a county without causing any school district in the county to exceed the 300% limit must be remitted by the county treasurer to the state for deposit in the guarantee account."

Renumber: subsequent subsection

72. Page 18, line 28.
Insert: "(6) This section does not apply to school districts that are in a nonoperating status under 20-9-505 or are in the first year of operation after reopening under 20-6-502 or 20-6-503."

73. Page 24, line 19.
Following: "(5)"
Insert: "(a) Prior to June 30, 2011, a school district may transfer any general fund money in excess of 15% of the fiscal year 2011 general fund budget that is not needed to fund the budget to any budgeted fund considered appropriate by the trustees.
(b)"

74. Page 25, line 2 through line 3.
Following: "(1)"
Strike: remainder of line 2 through line 3

75. Page 25, line 4.
Following: "~~The~~"
Insert: "The"

76. Page 25, line 7.
Following: "aid"
Insert: ", the pathway to excellence payment, the payments under 20-9-327 through 20-9-330,"

77. Page 25, line 29.
Following: "(1)(c)"
Insert: ", any anticipated oil and natural gas production taxes received under [section 11(7)(a)],"

78. Page 27, line 27.
Strike: ", 44.7% of the pathway to improvement payment,"

79. Page 27, line 30.
Strike: "up to 35.3% of the pathway to improvement payment,"

80. Page 28, line 4.
Following: ";"
Strike: "and"

81. Page 28, line 5.
Following: "payment"
Strike: "."
Insert: "; and"

82. Page 28.
Following: line 5
Insert: "(g) the total pathway to excellence payment."

83. Page 28, line 7.
Strike: "80%"
Insert: "100%"
Strike: "improvement"
Insert: "excellence"

84. Page 29, line 10.
Strike: "improvement"
Insert: "excellence"

85. Page 29, line 19.
Strike: ""Pathway to improvement payment" means a maximum rate of $500 for fiscal year 2012 and $1,000"
Insert: ""Pathway to excellence payment" means $315 for fiscal year 2012 and $630"

86. Page 30, line 29.
Following: "20-9-330"
Insert: "and any increase in the pathway to excellence payment"

87. Page 31, line 2.
Strike: "over tax revenue previously"
Insert: "over annual tax revenue levels previously collected or"

88. Page 31, line 3.
Following: "in"
Insert: "the highest of"

89. Page 34, line 14.
Strike: "over tax levels previously"
Insert: "over annual tax revenue levels previously collected or"

90. Page 34, line 15.
Following: "in"
Insert: "the highest of"

91. Page 37, line 14.
Following: "gas"
Strike: "payments"
Insert: "production taxes received"
Following: "15-36-331(3)"
Insert: "and [section 11]"

92. Page 37, line 17.
Strike: "25%"
Insert: "35%"
Following: "gas"
Strike: "revenue payments of"
Insert: "production taxes received by"
Following: "district"
Insert: "under the limitations in [section 11]"

93. Page 37, line 24 through line 25.
Following: ";" on line 24
Insert: ","
Strike: ":" on line 24 through (a) on line 25"

94. Page 37, line 27 through line 29.
Following: ";" on page 27
Insert: "."
Strike: "; and" on line 27 through "15-36-331(3)." on line 29

95. Page 38, line 15.
Following: "gas"
Strike: "payments"
Insert: "production taxes"
Following: "to"
Strike: "15-36-331(3)"
Insert: "[section 11]"

96. Page 42, line 23.
Strike: "payments"
Insert: "production taxes"
Following: "received"
Insert: "under the limitations in [section 11] and"

97. Page 42, line 29.
Strike: "payment"
Insert: "production taxes"

98. Page 42, line 30.
Following: "district"
Insert: "under the limitations in [section 11]"

99. Page 44, line 4.
Strike: "schedule set forth in 15-36-331(3)"
Insert: "provisions of [section 11]"

100. Page 44, line 6.
Strike: "building"
Insert: "debt service"

101. Page 44, line 8.
Strike: "building"
Insert: "debt service"

102. Page 44, line 15.
Strike: "building"
Insert: "debt service"

103. Page 45, line 7.
Strike: "20-9-621,"
Following: "20-9-622"
Strike: ","

104. Page 45, line 19.
Following: "account"
Insert: "and must be appropriated only for K-12 public education purposes. Interest and income earnings on the guarantee account must be deposited in the account"

105. Page 47, line 2.
Following: "grant"
Insert: "in subsection (4)"

106. Page 47, line 3.
Following: "15%"
Insert: ", reduce the grants proportionately under subsections (4)(a) through (4)(c),"

107. Page 47, line 5.
Insert: "(6) This section does not apply to school districts that are in a nonoperating status under 20-9-505 or in the first year of operation after reopening under 20-6-502 or 20-6-503."

108. Page 47, line 28.
Following: "from"
Insert: "appropriations made from"

109. Page 47, line 29.
Strike: "Money in the account"
Insert: "Appropriations made from the guarantee account for grants under this section"

110. Page 49, line 7 through line 9.
Strike: section 49 in its entirety
Renumber: subsequent sections

And, as amended, do pass. Report adopted.

FIRST READING AND COMMITMENT OF BILLS

The following Senate joint resolution was introduced, read first time, and referred to committee:

SJR 19, introduced by Caferro, Kaufmann, MacDonald, Wanzenried, Augare, O'Hara, Reinhart, Ankney, Read, Welborn, Furey, Hands, K. Williams, referred to Education and Cultural Resources.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Essmann moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Priest in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 402 - Senator Vincent moved **HB 402**, second reading copy, be amended as follows:

1. Page 1, line 20.
Following: "area"
Insert: "proposed to be"

Amendment adopted as follows:
Yeas: Arthun, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Essmann, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jones, Keane, Lake, Larsen, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Van Dyk, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 38

Nays: Augare, Erickson, Facey, Jent, Kaufmann, Moss, Stewart-Peregoy, Tropila, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 12

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 402 - Senator Vincent moved **HB 402**, as amended, be concurred in. Motion **failed** as follows:
Yeas: Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Mr. President.
Total 24

Nays: Arthun, Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Jones, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Wittich, Zinke.
Total 26

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 402 - Senator Williams moved **HB 402** be **indefinitely postponed**. Motion carried as follows:
Yeas: Arthun, Augare, Blewett, Branae, Brown, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Olson, Priest, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Wittich, Zinke.
Total 29

Nays: Balyeat, Barrett, Brenden, Buttrey, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Mr. President.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 178 - Senator Buttrey moved **HB 178** be concurred in. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jent, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 29

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.

Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 25 - Senator Gillan moved consideration of **HB 25** be placed at the bottom of the second reading board. Without objection, so ordered.

HB 80 - Senator Facey moved **HB 80** be concurred in. Motion carried as follows:
Yeas: Augare, Blewett, Branae, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Mr. President.
Total 37

Nays: Arthun, Balyeat, Barrett, Brenden, Hinkle, Priest, Ripley, Shockley, Sonju, Vincent, Walker, Wittich, Zinke.
Total 13

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 125 - Senator Steinbeisser moved **HB 125** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 45

Nays: Barrett, Sonju, Vincent, Walker, Wittich.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 216 - Senator Arthun moved **HB 216** be concurred in. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Wittich, Zinke, Mr. President.
Total 43

Nays: Augare, Buttrey, Hinkle, Stewart-Peregoy, Tropila, Williams, Windy Boy.
Total 7

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 258 - Senator Mowbray moved **HB 258** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 319 - Senator Keane moved **HB 319** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 46

Nays: Brenden, Ripley, Walker, Wittich.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 333 - Senator Lake moved **HB 333** be concurred in.

HB 333 - Senator Erickson moved **HB 333**, second reading copy, be amended as follows:

1. Page 2, line 28.
Strike: "5%"
Insert: "20%"

Amendment **not** adopted as follows:
Yeas: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Nays: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 333 - Thereupon, the Senate reverted to the original motion of Senator Lake which passed as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hamlett, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 29

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Essmann moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Peterson in the chair. Chairman Priest moved the Committee of the Whole report be adopted. Report adopted as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Essmann, Facey, Gallus, Gillan, Hamlett, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Walker, Williams, Wittich, Zinke, Mr. President.
Total 44

Nays: Erickson, Hawks, Kaufmann, Vuckovich, Wanzenried, Windy Boy.
Total 6

Absent or not voting: None.
Total 0

Excused: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 389 passed as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Zinke, Mr. President.
Total 44

Nays: Brenden, Lake, Ripley, Walker, Windy Boy, Wittich.
Total 6

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 95 concurred in as follows:

Yeas: Augare, Balyeat, Blewett, Branae, Brown, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moss, Mowbray, Murphy, Olson, Ripley, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 38

Nays: Arthun, Barrett, Brenden, Buttrey, Hinkle, Jackson, Moore, Priest, Sonju, Vincent, Walker, Wittich.
Total 12

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 117 concurred in as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 229 concurred in as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.

Total 0

Excused: None.
Total 0

HB 250 concurred in as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 298 concurred in as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 324 concurred in as follows:
Yeas: Augare, Blewett, Branae, Brown, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Jones, Kaufmann, Keane, Larsen, Moss, Olson, Shockley, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Mr. President.
Total 28

Nays: Arthun, Balyeat, Barrett, Brenden, Buttrey, Essmann, Hinkle, Hutton, Jackson, Lake, Lewis, Moore, Mowbray, Murphy, Priest, Ripley, Sonju, Steinbeisser, Vincent, Walker, Wittich, Zinke.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 337 concurred in as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 46

Nays: Caferro, Hutton, Walker, Wittich.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 401 concurred in as follows:
Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 45

Nays: Balyeat, Essmann, Hinkle, Hutton, Wittich.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 422 concurred in as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 48

Nays: Caferro, Kaufmann.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 432 concurred in as follows:
Yeas: Arthun, Balyeat, Barrett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 47

Nays: Augare, Blewett, Stewart-Peregoy.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 449 concurred in as follows:
Yeas: Blewett, Branae, Brown, Buttrey, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Keane, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Shockley, Tropila, Van Dyk, Wanzenried, Wittich, Zinke.
Total 30

Nays: Arthun, Augare, Balyeat, Barrett, Brenden, Caferro, Jones, Kaufmann, Lake, Ripley, Sonju, Steinbeisser, Stewart-Peregoy, Tutvedt, Vincent, Vuckovich, Walker, Williams, Windy Boy, Mr. President.
Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 481 concurred in as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: Sonju.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 517 concurred in as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 523 concurred in as follows:
Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried,

Williams, Windy Boy, Zinke, Mr. President.
Total 46

Nays: Balyeat, Hinkle, Steinbeisser, Wittich.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 531 concurred in as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 559 concurred in as follows:
Yeas: Arthun, Balyeat, Barrett, Branae, Brenden, Brown, Buttrey, Caferro, Essmann, Gallus, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jones, Keane, Lake, Larsen, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Vuckovich, Walker, Windy Boy, Wittich, Zinke, Mr. President.
Total 37

Nays: Augare, Blewett, Erickson, Facey, Gillan, Jent, Kaufmann, Moss, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried, Williams.
Total 13

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 568 concurred in as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HJR 17 concurred in as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 48

Nays: Lake, Tutvedt.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

REPORTS OF STANDING COMMITTEES

JUDICIARY (Murphy, Chairman): 3/21/2011
HB 271, be amended as follows:

1. Title, line 8.
Following: "ELIGIBLE"
Insert: "UNDER CERTAIN CIRCUMSTANCES"

2. Page 1, line 22.
Strike: "eligible" through "or"

Following: "45-8-321"
Insert: ","
Strike: "or"

3. Page 1, line 23.
Following: "45-8-329"
Insert: ", or a person eligible to obtain a permit under 45-8-321 who has completed a course as required under 45-8-321(3)(b) or (3)(c) and has in the person's possession evidence of completion of the course"

And, as amended, be concurred in. Report adopted.

SPECIAL ORDERS OF THE DAY

Senator Brown introduced the Senate Pages for the week of March 21-26, 2011.

Mr. President, I move that the following undersigned names be **ADDED** as sponsors to **SB 409** Motion carried.

SB 409 (Tutvedt Chief Sponsor)
Senators Hamlett and Mowbray.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Essmann moved that the Senate adjourn until 1:00 p.m., Tuesday, March 22, 2011. Motion carried.

Senate adjourned at 3:15 p.m.

MARILYN MILLER
Secretary of the Senate

JIM PETERSON
President of the Senate

SENATE JOURNAL
62ND LEGISLATURE
SIXTY-FOURTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
March 22, 2011 — State Capitol

Senate convened at 1:00 p.m. President Peterson presiding. Invocation by Chaplain Keith Johnson. Pledge of Allegiance to the Flag. Roll Call. All members present, except Senator Jent, excused. Quorum present.

Senator Williams announced the Democrats would caucus.

Senate in recess.

Senate reconvened at 1:17 p.m.

BILLS AND JOURNALS: 3/22/2011

Correctly printed: **HB 80**, **HB 125**, **HB 178**, **HB 216**, **HB 258**, **HB 333**.
Correctly engrossed: **HB 179**, **HB 271**, **HB 319**.
Correctly enrolled: **SB 47**, **SB 49**, **SB 92**, **SB 103**, **SB 128**, **SB 189**, **SB 361**.
Examined by the sponsor and found to be correct: **SB 47**, **SB 49**, **SB 103**, **SB 128**, **SB 189**, **SB 361**.
Signed by the Speaker at 3:58 p.m., March 21, 2011: **SB 32**, **SB 34**, **SB 38**, **SB 67**, **SB 106**.
Delivered to the Governor for approval at 10:00 a.m., March 22, 2011: **SB 32**, **SB 34**, **SB 38**, **SB 67**, **SB 106**.

REPORTS OF STANDING COMMITTEES

JUDICIARY (Murphy, Chairman): 3/22/2011
SB 322, do pass. Report adopted.
HB 548, be amended as follows:

1. Title, line 9.
Strike: "AND"
Following: "MCA"
Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY PROVISION"

2. Page 1, line 21.
Following: "but"
Insert: "not"

3. Page 3, line 24 through line 25.
Strike: section 2 in its entirety
Insert: "NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval."

Insert: "NEW SECTION. **Section 3. Retroactive applicability.** [This act] applies retroactively, within the meaning of 1-2-109, to all past revocations, regardless of the date when a deferred or suspended sentence was ordered and regardless of the date of revocation."

And, as amended, be concurred in. Report adopted.

NATURAL RESOURCES (Barrett, Chairman): 3/21/2011
SB 348, introduced bill, be amended as follows:

1. Page 2, line 19.
Strike: "$6,000"
Insert: "$3,000"

2. Page 2, line 30.
Insert: "(3) The department may contract with the United States department of agriculture wildlife services for the purposes of this section."

And, as amended, do pass. Report adopted.

STATE ADMINISTRATION (Shockley, Chairman): 3/21/2011
HB 77, be concurred in. Report adopted.
HB 116, be concurred in. Report adopted.
HB 131, be concurred in. Report adopted.
HB 134, be concurred in. Report adopted.
HB 135, be concurred in. Report adopted.
HB 180, be concurred in. Report adopted.
HB 255, be concurred in. Report adopted.
HB 256, be concurred in. Report adopted.
HB 528, be concurred in. Report adopted.
HJR 19, be concurred in. Report adopted.

TAXATION (Tutvedt, Chairman): 3/22/2011
HB 460, be amended as follows:

1. Title, page 1, line 6.
Following: "TOWNHOUSES;"
Insert: "CONFORMING PROVISIONS OF THE UNIT OWNERSHIP ACT WITH THE DEFINITIONS OF "TOWNHOUSE"AND "TOWNHOME";"

2. Title, page 1, line 7.
Strike: the first "AND"
Following: "70-23-103,"
Insert: "70-23-301, AND 76-3-203,"

3. Page 5, line 30.
Insert: "Section 3. Section 70-23-301, MCA, is amended to read:

"70-23-301. Contents of declaration. A declaration must contain:

(1) a description of the land, whether leased or in fee simple, on which the building is located or is to be located;

(2) the name by which the property will be known and a general description of the building, including the number of stories and basements, the number of units, and the principal materials of which it is constructed;

(3) the unit designation, location, approximate area of each unit, and any other data necessary for proper identification;

(4) a description of the general common elements and the percentage of the interest of each unit owner in the common elements;

(5) a description of the limited common elements, if any, stating to which units their use is reserved and in what percentage;

(6) a statement of the use for which the building and each of the units is intended;

(7) the name of a person to receive service of process in the cases provided in 70-23-901 and the residence or place of business of the person which must be within the county in which the property is located;

(8) an exhibit containing certification from the applicable local government that the condominiums, townhomes, or townhouses are either exempt from review under 76-3-203 or have been approved following review under Title 76, chapter 3, parts 5 and 6; and

(9) any other details regarding the property that the person executing the declaration considers desirable.""

Insert: "Section 4. Section 76-3-203, MCA, is amended to read:

"76-3-203. Exemption for certain condominiums. Condominiums, townhomes, or townhouses, as those terms are defined in 70-23-102, constructed on land subdivided in compliance with parts 5 and 6 of this chapter or on lots within incorporated cities and towns are exempt from the provisions of this chapter if:

(1) the approval of the original subdivision of land expressly contemplated the construction of the condominiums, townhomes, or townhouses and any applicable park dedication requirements in 76-3-621 are complied with; or

(2) the condominium, townhome, or townhouse proposal is in conformance with applicable local zoning regulations when local zoning regulations are in effect.""

Renumber: subsequent sections

And, as amended, be concurred in. Report adopted.

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 3/21/2011

SB 7, introduced by Keane
SB 12, introduced by Erickson
SB 125, introduced by Wittich
SB 205, introduced by Olson

SB 342, introduced by Buttrey

Senate bills concurred in as amended and returned to the Senate for concurrence in House amendments:

3/21/2011

SB 120, introduced by Brenden
SB 138, introduced by Jones
SB 146, introduced by Lake
SB 279, introduced by Jackson

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 416, introduced by C. Williams, referred to Natural Resources.
SB 417, introduced by Buttrey, referred to Local Government.

The following Senate joint resolutions were introduced, read first time, and referred to committee:

SJR 20, introduced by Wittich, referred to Public Health, Welfare and Safety.
SJR 21, introduced by J. Peterson, referred to Natural Resources.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Essmann moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Ripley in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 403 - Senator Jones moved **SB 403** do pass.

Senator Gillan made a **substitute motion** that consideration of **SB 403** be passed for the day. Motion **failed** as follows:
Yeas: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 21

Nays: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

Senator Keane moved to close the debate on **SB 403**.

Chairman Ripley ruled the motion to close the debate on **SB 403** was out of order.

SB 403 - The motion to pass **SB 403** carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Zinke, Mr. President.
Total 25

Nays: Augare, Blewett, Branae, Brenden, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Kaufmann, Keane, Larsen, Moss, Olson, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Wittich.
Total 24

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

Senator Williams excused.

Senator Essmann moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Peterson in the chair. Chairman Ripley moved the Committee of the Whole report be adopted. Report adopted as follows:
Yeas: Arthun, Balyeat, Barrett, Brown, Buttrey, Essmann, Gallus, Hawks, Hinkle, Hutton, Jackson, Jones, Lake, Larsen, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 29

Nays: Augare, Blewett, Branae, Brenden, Caferro, Erickson, Facey, Gillan, Hamlett, Kaufmann, Keane, Moss, Sonju, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 19

Absent or not voting: None.
Total 0

Excused: Jent, Williams.
Total 2

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 80 concurred in as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Ripley, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Mr. President.
Total 41

Nays: Brenden, Priest, Sonju, Vincent, Walker, Windy Boy, Wittich, Zinke.
Total 8

Paired: Jent, Aye; Wittich, No.

Absent or not voting: None.
Total 0

Excused: Williams.
Total 1

HB 125 concurred in as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Ripley, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy, Zinke, Mr. President.
Total 44

Nays: Priest, Sonju, Vincent, Walker, Wittich.
Total 5

Paired: Jent, Aye; Wittich, No.

Absent or not voting: None.
Total 0

Excused: Williams.
Total 1

HB 178 concurred in as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Gallus, Hinkle, Hutton, Jackson, Jent, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 30

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gillan, Hamlett, Hawks, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 19

Paired: Jent, Aye; Gillan, No.

Absent or not voting: None.
Total 0

Excused: Williams.
Total 1

HB 216 concurred in as follows:
Yeas: Arthun, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Caferro, Erickson, Essmann, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Wittich, Zinke, Mr. President.
Total 43

Nays: Augare, Buttrey, Facey, Stewart-Peregoy, Tropila, Windy Boy.
Total 6

Paired: Jent, Aye; Tropila, No.

Absent or not voting: None.
Total 0

Excused: Williams.
Total 1

HB 258 concurred in as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Windy Boy, Wittich, Zinke, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Jent, Williams.
Total 2

HB 319 concurred in as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy, Zinke, Mr. President.
Total 41

Nays: Brenden, Hinkle, Priest, Ripley, Sonju, Vincent, Walker, Wittich.
Total 8

Paired: Jent, Aye; Wittich, No.

Absent or not voting: None.
Total 0

Excused: Williams.
Total 1

HB 333 concurred in as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hamlett, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 29

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 20

Paired: Wittich, Aye; Jent, No.

Absent or not voting: None.
Total 0

Excused: Williams.
Total 1

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Balyeat, Chairman): 3/22/2011
HB 315, be concurred in. Report adopted.
HB 342, be concurred in. Report adopted.

FINANCE AND CLAIMS (Lewis, Chairman): 3/22/2011
SB 129, introduced bill, be amended as follows:

1. Title, page 1, line 4.
Strike: "COMPENSATION"
Insert: "SALARIES"

2. Title, page 1, line 5.
Strike: "AND REDUCING COMPENSATION PAID TO CERTAIN EXISTING STATE EMPLOYEES"

3. Title, page 1, lines 6 and 7.
Following: "CIRCUMSTANCES;"
Strike: "PROVIDING" on line 6 through "MONTANA;" on line 7
Insert: "REDUCING THE EMPLOYER CONTRIBUTION FOR GROUP BENEFITS FOR EMPLOYEES EARNING MORE THAN A CERTAIN AMOUNT EACH YEAR;"

4. Title, page 1, line 7.
Strike: "SECTION"
Insert: "SECTIONS"

5. Title, page 1, line 8.
Following: "2-18-303"
Insert: "AND 2-18-703"

6. Page 1, line 12.
Strike: "compensation"
Insert: "salaries"

7. Page 1, line 13.
Strike: "-- rulemaking"
Strike: "[sections 2 and 3]"
Insert: "[section 2] and subsection (2) of this section"

8. Page 1, line 14.
Strike: "compensation"

Insert: "a base salary"
Strike: "200%" through "Montana"
Insert: "$100,000"

9. Page 1, line 15 through line 21.
Strike: subsection (2) through subsection (4) in their entirety
Insert: "(2) An employee who is subject to this section, who is employed by the state of Montana on [the effective date of this act], and who receives a base salary in excess of the limitation provided in this section is not subject to the limitation in this section."
Renumber: subsequent subsections

10. Page 1, line 22.
Strike: "through 3"
Insert: "and 2"

11. Page 1, line 23.
Strike: ""Compensation""
Insert: ""Base salary""

12. Page 1, line 24.
Following: "(b)"
Insert: "(i)"

13. Page 1, line 24 through line 25.
Following: "state employee"
Strike: remainder of line 24 through line 25
Insert: ", officer, or elected official, including those employees and officers listed in 2-18-103 and 2-18-104.
(ii) The term does not include an employee or officer of the Montana university system or a judge or employee of the judicial branch."

14. Page 1, line 26 through line 28.
Strike: subsection (c) in its entirety

15. Page 1, line 30 through page 2, line 3.
Strike: section 2 in its entirety
Renumber: subsequent sections

16. Page 2, line 5.
Strike: "An"
Insert: "Subject to subsection (4), an"

17. Page 2, line 6.
Strike: "[sections 1 and 2]"
Insert: "[section 1]"

18. Page 2, line 7.
Following: "(a)"
Insert: "except as provided in subsection (1)(b),"
Strike: "or"

19. Page 2, line 8.
Following: line 7
Insert: "(b) an elected official listed in 2-16-405(1)(c), (1)(d), (1)(e), (1)(f), or (1)(h) for an employee of the agency under the direction of that official;"
Renumber: subsequent subsections

20. Page 2, line 8.
Following: "employee of the legislative"
Strike: "branch."
Insert: "services division;
(d) the legislative finance committee for an employee of the legislative fiscal division;
(e) the legislative audit committee for an employee of the legislative audit division; and
(f) the legislative consumer committee for an employee of the office of consumer counsel."

21. Page 2, line 11 and 12.
Following: "group of employees,"
Strike: "the governor or the legislative council must"
Insert: "an entity listed in subsection (1) shall"

22. Page 2, line 13.
Strike: "governor and the legislative council"
Insert: "entities listed in subsection (1)"

23. Page 2, line 16.
Following: line 15
Insert: "(4) If an employee's base salary is in excess of $80,000, the employer contribution for group benefits provided pursuant to 2-18-703 must be reduced by 5% for each $1,000 of salary that the employee receives in excess of $80,000."

24. Page 2, line 18 and 19.
Strike: "[sections 1 through 3]"
Insert: "[section 1]"

25. Page 3, line 21.
Following: line 20
Insert: **"Section 4.** Section 2-18-703, MCA, is amended to read:
"2-18-703. Contributions. (1) ~~Each~~ Except as provided in [section 2(4)], each agency, as defined in 2-18-601, and the state compensation insurance fund shall contribute the amount specified in this section toward the group benefits cost.

(2) For employees defined in 2-18-701 and for members of the legislature, the employer contribution for group benefits is $626 a month from January 2009 through December 2009, $679 a month from January 2010 through December 2010, and $733 for January 2011 and for each succeeding month. For employees of the Montana university system, the employer contribution for group benefits is $626 a month from July 2008 through June 2009, $679 a month from July 2009 through June 2010, and $733 for July 2010 and for each succeeding month. If a state employee is terminated to achieve a reduction in force, the continuation of contributions for group benefits beyond the termination date is subject to negotiation under 39-31-305. Permanent part-time, seasonal part-time, and temporary part-time employees who are regularly scheduled to work less than 20 hours a week are not eligible for the group benefit contribution. An employee who elects not to be covered by a state-sponsored group benefit plan may not receive the state contribution. A portion of the employer contribution for group benefits may be applied to an employee's costs for participation in Part B of medicare under Title XVIII of the Social Security Act, as amended, if the state group benefit plan is the secondary payer and medicare the primary payer.

(3) For employees of elementary and high school districts, the employer's contributions may exceed but may not be less than $10 a month.

(4) (a) For employees of political subdivisions, as defined in 2-9-101, except school districts, the employer's contributions may exceed but may not be less than $10 a month.

(b) Subject to the public hearing requirement provided in 2-9-212(2)(b), the amount in excess of the base contribution of a local government's property tax levy for contributions for group benefits as determined in subsection (4)(c) is not subject to the mill levy calculation limitation provided for in 15-10-420.

(c) (i) Subject to subsections (4)(c)(ii) and (4)(c)(iii), the base contribution is determined by multiplying the average annual contribution for each employee on July 1, 1999, times the number of employees for whom the employer makes contributions for group benefits under 2-9-212 on July 1 of each fiscal year.

(ii) If a political subdivision did not make contributions for group benefits on or before July 1, 1999, and subsequently does so, the base contribution is determined by multiplying the average annual contribution for each employee in the first year the political subdivision provides contributions for group benefits times the number of employees for whom the employer makes contributions for group benefits under 2-9-212 on July 1 of each fiscal year.

(iii) If a political subdivision has made contributions for group benefits but has not previously levied for contributions in excess of the base contribution, the political subdivision's base is determined by multiplying the average annual contribution for each employee at the beginning of the fiscal year immediately preceding the year in which the levy will first be levied times the number of employees for whom the employer made contributions for group benefits under 2-9-212 in that fiscal year.

(5) Unused employer contributions for any state employee must be transferred to an account established for this purpose by the department of administration and upon transfer may be used to offset losses occurring to the group of which the employee is eligible to be a member.

(6) Unused employer contributions for any government employee may be transferred to an account established for this purpose by a self-insured government and upon transfer may be used to offset losses occurring to the group of which the employee is eligible to be a member or to increase the reserves of the group.

(7) The laws prohibiting discrimination on the basis of marital status in Title 49 do not prohibit bona fide group insurance plans from providing greater or additional contributions for insurance benefits to employees with dependents than to employees without dependents or with fewer dependents.""
Renumber: subsequent sections

26. Page 3, line 22.
Strike: "through 3"
Insert: "and 2"

27. Page 3, line 23.
Strike: "through 3"
Insert: "and 2"

28. Page 3, line 29 and line 30.
Strike: "If" on line 29 through "2013." on line 30
Insert: "[This act] is effective July 1, 2011."

29. Page 4, line 2 through line 6.
Strike: section 8 in its entirety

And, as amended, do pass. Report adopted.

SB 328, introduced bill, be amended as follows:

1. Title, page 1, line 13.
Following: "19-2-715,"
Insert: "19-3-108,"

2. Page 11, line 2 through line 3.
Strike: subsection (29) in its entirety
Renumber: subsequent subsections

3. Page 13, line 12.
Strike: "(52)"
Insert: "(51)"

4. Page 13, line 21.
Strike: "19-21-2117(2)"
Insert: "19-3-2117(2)"

5. Page 17, line 1.
Insert: "Section 10. Section 19-3-108, MCA, is amended to read:
"19-3-108. Definitions. Unless the context requires otherwise, as used in this chapter, the following definitions apply:

(1) (a) "Compensation" means remuneration paid out of funds controlled by an employer in payment for the member's services, or for time during which the member is excused from work because of a holiday or because the member has taken compensatory leave, sick leave, annual leave, or a leave of absence, before any pretax deductions allowed by state or federal law are made.

(b) Compensation does not include:

(i) the contributions made pursuant to 19-3-403(4)(a) for members of a bargaining unit;

(ii) in-kind goods provided by the employer, such as uniforms, housing, transportation, or meals;

(iii) in-kind services, such as the retraining allowance paid pursuant to 2-18-622, or employment-related services;

(iv) contributions to group insurance, such as that provided under 2-18-701 through 2-18-704; and

(v) lump-sum payments for compensatory leave, sick leave, or annual leave paid without termination of employment.

(2) "Contracting employer" means any political subdivision or governmental entity that has contracted to come into the system under this chapter.

(3) "Defined benefit plan" means the plan within the public employees' retirement system established in 19-3-103 that is not the defined contribution plan.

(4) "Employer" means the state of Montana, its university system or any of the colleges, schools, components, or units of the university system for the purposes of this chapter, or any contracting employer.

(5) "Employer contributions" means payments to a pension trust fund pursuant to 19-3-316 from appropriations of the state of Montana and from contracting employers.

(6) (a) "Highest average compensation" means a member's highest average monthly compensation during any 36 consecutive months of membership service, except as otherwise provided in subsection (6)(b) or (6)(c).

(b) For a member who has attained 65 years of age but has not served at least 36 months, highest average compensation means total compensation earned divided by the number of months the member has served.

(c) For a vested member who does not have 36 consecutive months of membership service, highest average compensation means the highest total compensation earned during any 36 consecutive calendar months divided by 36.

(d) Lump-sum payments for severance pay, including payment for compensatory leave, sick leave, and annual leave, paid to the member upon termination of employment may be used in the calculation of a retirement benefit only to the extent that they are used to replace, on a month-for-month basis, the regular compensation for a month or months included in the calculation of the highest average compensation. A lump-sum payment may not be added to a single month's compensation.

(7) "Initially hired" means the earliest date on which an individual is first hired into or employed in a covered position, which may not necessarily be an employee's current covered position.

~~(7)~~(8) "System" or "retirement system" means the public employees' retirement system established in 19-3-103.""

Renumber: subsequent sections

6. Page 31, line 25.
Following: "~~19-3-2116;~~"
Insert: "(a) the member must have at least 5 years of membership service under the system;"
Renumber: subsequent subsections

7. Page 34, line 1.
Strike: "26"
Insert: "27"
Strike: "27"
Insert: "28"

8. Page 34, line 2.
Strike: "27"
Insert: "28"

And, as amended, do pass. Report adopted.

Senator Gillan rose on a point of personal privilege. Senator Brenden clarified his comments related to the Fish and Game Committee.

ANNOUNCEMENTS

Committee meetings were announced by committee chairs.

MOTIONS

Senator Sonju moved **SB 516** be moved from the Committee of the Whole to the Local Government committee.
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Jackson, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Zinke, Mr. President.
Total 44

Nays: Buttrey, Hutton, Windy Boy, Wittich.
Total 4

Absent or not voting: None.
Total 0

Excused: Jent, Williams.
Total 2

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Essmann moved that the Senate adjourn until 1:00 p.m., Wednesday, March 23, 2011. Motion carried.

Senate adjourned at 3:39 p.m.

MARILYN MILLER
Secretary of the Senate

JIM PETERSON
President of the Senate

SENATE JOURNAL
62ND LEGISLATURE
SIXTY-FIFTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
March 23, 2011 — State Capitol

Senate convened at 1:00 p.m. President Peterson presiding. Invocation by Chaplain Keith Johnson. Pledge of Allegiance to the Flag. Roll Call. All members present, except Senators Balyeat and Vincent, excused. Quorum present.

SPECIAL ORDERS OF THE DAY

Kacie West from Kalispell, the current Miss Montana, sang "The Star Spangled Banner."

BILLS AND JOURNALS: 3/23/2011

Correctly printed: **SB 322**, **SB 403**, **HB 77**, **HB 116**, **HB 131**, **HB 134**, **HB 135**, **HB 180**, **HB 255**, **HB 256**, **HB 315**, **HB 342**, **HB 528**, **HJR 19**, **SJR 20**, **SJR 21**.
Correctly engrossed: **SB 129**, **SB 328**, **SB 348**, **HB 460**, **HB 548**.
Correctly enrolled: **SB 7**, **SB 12**, **SB 125**, **SB 176, SB 205**, **SB 294**, **SB 342**.
Examined by the sponsor and found to be correct: **SB 7**, **SB 12, SB 92**, **SB 125**, **SB 205**, **SB 342**.
Signed by the Speaker at 10:08 a.m., March 23, 2011: **SB 47**, **SB 49**, **SB 103**, **SB 128**, **SB 189**, **SB 361**.
Signed by the Secretary of the Senate at 4:47 p.m., March 22, 2011: **SB 47**, **SB 49**, **SB 103**, **SB 128**, **SB 189**, **SB 361**.
Signed by the President at 5:30 p.m., March 22, 2011: **SB 47**, **SB 49**, **SB 103**, **SB 128**, **SB 189**, **SB 361**.
Delivered to the Governor for approval at 11:30 a.m., March 23, 2011: **SB 47**, **SB 49**, **SB 103**, **SB 128**, **SB 189**, **SB 361**.

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 418, introduced by Wittich, referred to Business, Labor, and Economic Affairs.
SB 419, introduced by Erickson, referred to Taxation.

The following Senate resolution was introduced, read first time, and referred to committee:

SR 3, introduced by Gillan, Branae, C. Williams, Wanzenried, referred to Taxation.

The following House bills were introduced, read first time, and referred to committees:

HB 3, introduced by Mehlhoff (by request of the Office of Budget and Program Planning), referred to Finance and Claims.
HB 4, introduced by Mehlhoff (by request of the Office of Budget and Program Planning), referred to Finance and Claims.

HB 5, introduced by Sesso (by request of the Office of Budget and Program Planning), referred to Finance and Claims.
HB 6, introduced by McChesney (by request of the Department of Natural Resources and Conservation and the Office of Budget and Program Planning), referred to Finance and Claims.
HB 7, introduced by Belcourt (by request of the Department of Natural Resources and Conservation and the Office of Budget and Program Planning), referred to Finance and Claims.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 403 failed as follows:
Yeas: Arthun, Balyeat, Barrett, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Zinke, Mr. President.
Total 25

Nays: Augare, Blewett, Branae, Brenden, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Olson, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Wittich.
Total 25

Paired: Balyeat, Vincent, Aye; Augare, Gillan, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

REPORTS OF STANDING COMMITTEES

AGRICULTURE, LIVESTOCK AND IRRIGATION (Steinbeisser, Chairman): 3/22/2011
HB 166, be amended as follows:

1. Page 9, line 10.
Insert: "COORDINATION SECTION. **Section 12. Coordination instruction.** If House Bill No. 212 and [this act] are both passed and approved and if both contain a section that amends 80-7-814, then the sections amending 80-7-814 are void and 80-7-814 must be amended as follows:

"80-7-814. Administration and expenditure of funds. (1) The provisions of this section constitute the noxious weed management program.

(2) (a) Except as provided in subsection (2)(b), money deposited in the noxious weed management trust fund may not be committed or expended until the principal reaches $10 million.

(b) In the case of a noxious weed emergency, as provided in 80-7-815, a vote of three-fourths of the members of each house of the legislature may appropriate principal from the trust fund.

(c) Interest or revenue generated by the trust fund, excluding unrealized gains and losses, must be deposited in the noxious weed management special revenue fund and may be expended for noxious weed management projects before the principal of the noxious weed management trust reaches $10 million with a majority vote of each house of the legislature.

(d) Any grant funds, regardless of the time at which the grant was awarded, that are not fully expended upon termination of the contract or an extension of the contract, not to exceed 1 year, must revert to the department. The department shall deposit any reverted funds into the noxious weed management trust fund as principal.

(3) The principal of the noxious weed management trust fund in excess of $10 million may be appropriated by a majority vote of each house of the legislature. Appropriations of the principal in excess of $10 million may be used only to fund the noxious weed management program.

(4) The department may expend funds under this section through grants or contracts to communities, weed management districts, or other entities that it considers appropriate for noxious weed management projects. A project is eligible to receive funds only if the county in which the project occurs has funded its own weed management program ~~with~~ using one of the following methods, whichever is lesser:

(a) ~~a levy in~~ levying an amount not less than 1.6 mills or an equivalent amount from another source; or

(b) ~~by~~ appropriating an amount of not less than $100,000 ~~for first-class counties, as defined in 7-1-2111~~ from any source.

(5) The department may expend funds without the restrictions specified in subsection (4) for the following:

(a) employment of a new and innovative noxious weed management project or the development, implementation, or demonstration of any noxious weed management project that may be proposed, implemented, or established by local, state, or national organizations, whether public or private. The expenditures must be on a cost-share basis with the organizations.

(b) cost-share noxious weed management programs with local weed management districts;

(c) special grants to local weed management districts to eradicate or contain significant noxious weeds newly introduced into the county. These grants may be issued without matching funds from the district.

(d) administrative expenses of the department for managing the noxious weed management program and other provisions of this part. The cost of administering the program may not exceed 12% of the total program expenses.

(e) administrative expenses incurred by the noxious weed management advisory council;

(f) a project recommended by the noxious weed management advisory council, if the department determines that the project will significantly contribute to the management of noxious weeds within the state; and

(g) grants to the agricultural experiment station and the cooperative extension service for crop weed management research, evaluation, and education.

(6) The agricultural experiment station and cooperative extension service shall submit annual reports on current projects and future plans to the noxious weed management advisory council.

(7) In making expenditures under subsections (3) through (5), the department shall give preference to weed management districts and community groups.

(8) If the noxious weed management trust fund is terminated by constitutional amendment, the money in the fund must be divided between all counties according to rules adopted by the department for that purpose.""

And, as amended, be concurred in. Report adopted.

HB 318, be concurred in. Report adopted.
HB 430, be concurred in. Report adopted.
HB 498, be concurred in. Report adopted.

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Balyeat, Chairman): 3/22/2011
HB 43, be amended as follows:

1. Page 5, line 1.
Strike: "(a)"
Strike: "(4)(b)"
Insert: "(5)"

2. Page 5, line 3 through line 4.
Strike: "However," on line 3 through "apply." on line 4

3. Page 5, line 5.
Strike: "(b)"
Insert: "(5)(a)"

4. Page 5, line 7.
Strike: "SUBSECTION (4)(C)"
Insert: "subsections (5)(b) and (5)(c)"

5. Page 5, line 8.
Strike: "(C)"
Insert: "(b)"
Strike: "AN INSURER IS NOT LIABLE FOR AN INJURY OR OCCUPATIONAL DISEASE "
Insert: "An employee is not eligible for benefits otherwise payable under this chapter"

6. Page 5, line 10.
Strike: "(D)"
Insert: "(c)"
Strike: "COSTS"
Insert: "benefits payable under this chapter if those benefits are"

7. Page 5, line 11.
Strike: "AS A BENEFIT" through "CHAPTER"

8. Page 5.
Following: line 11
Insert: "(6) The provisions of subsection (4) do not apply if the employer had knowledge of and failed to attempt to stop the employee's use of alcohol or drugs not prescribed by a physician. This subsection (6) does not apply to medical marijuana, which is not a prescribed drug."
Renumber: subsequent subsections

And, as amended, be concurred in. Report adopted.

HB 100, be amended as follows:

1. Title, page 1, line 5.
Following: "STATEMENTS"
Insert: "; AND AMENDING SECTION 5-4-203, MCA"

2. Page 1, lines 9 through 14.
Strike: subsection (1) in its entirety
Insert: "(1) The minority leader and the majority leader of the house and the senate may each request that up to three business impact statements be prepared in a session and included with fiscal notes as provided in 5-4-203 and subsection (2) of this section. Each request must be filed with both the budget director and the legislative fiscal analyst."

3. Page 1, line 16.
Strike: "or indirect"

4. Page 1, line 19.
Strike: "direct the budget director"
Insert: "provide directions"

5. Page 1, line 24.
Following: "note"
Insert: ", except that the legislative fiscal division shall prepare the business impact statement"

6. Page 1.
Following: line 25
Insert: "Section 2. Section 5-4-203, MCA, is amended to read:

"5-4-203. Budget director to prepare note. (1) The budget director, in cooperation with the state or local agencies or officials or organizations representing local agencies or officials affected by the bill, is responsible for the preparation of the fiscal note and shall return ~~same~~ the fiscal note within 6 days. The director may request additional time to complete a fiscal note, ~~which~~ and the extension must be submitted to the presiding officer or committee requesting the note for approval.

(2) (a) Upon receipt of a request for a business impact statement as provided in [section 1], the budget director shall complete the agency portion of the fiscal note, if any. The budget

director and state or local agencies shall provide assistance to the legislative fiscal division necessary to develop the business impact statement.

(b) A fiscal note with a business impact statement has the same deadlines as provided in subsection (1). The legislative fiscal analyst may submit a request for an extension of the deadline to the minority leader or the majority leader requesting the business impact statement.""

Renumber: subsequent sections

And, as amended, be concurred in. Report adopted.

HB 341, be amended as follows:

1. Page 1, line 20.
Strike: "INTEREST ON A JUDGMENT OBTAINED IN"
Insert: "In"

2. Page 1, line 21.
Strike: "MUST BE PAID FROM" through "IS ENTERED"
Insert: "a prevailing claimant is entitled to interest"

3. Page 1, line 23.
Following: "SUPERSEDE IT,"
Insert: "on the day judgment is entered,"

4. Page 4, lines 24 through 25.
Strike: "contractual obligations" on line 24 through "payment of interest" on line 25
Insert: "judgments"
Following: "entered"
Strike: "into"

And, as amended, be concurred in. Report adopted.

ENERGY AND TELECOMMUNICATIONS (Olson, Chairman): 3/22/2011
HB 237, be amended as follows:

1. Page 11.
Following: line 11
Insert: "COORDINATION SECTION. **Section 6. Coordination instruction.** If both House Bill No. 78 and [this act] are passed and approved, then House Bill No. 78 is void."
Renumber: subsequent sections

And, as amended, be concurred in. Report adopted.

HB 291, be amended as follows:

1. Page 2, line 5.
Strike: "20"
Insert: "10"

2. Page 2, line 15.
Following: line 14
Insert: "(4) A small customer may receive a refund pursuant to this section only if:

(a) the small customer paid for the initial extension or subsequent connection to the extension pursuant to subsection (1); and

(b) at the time the refund is issued, the small customer owns the residential structure to which the extension or subsequent connection to the extension was made."

And, as amended, be concurred in. Report adopted.

HB 295, be amended as follows:

1. Page 2, line 13 through line 15.
Strike: "ALL" on line 13 through "PROPERTY." on line 15

2. Page 3, line 6.
Following: "property"
Strike: ";"
Insert: ". Structures do not include equipment necessary to access minerals as they relate to the rights belonging to or the dominance of the mineral estate pursuant to [section 8]."

3. Page 3, line 13 through line 15.
Strike: subsection (g) in its entirety
Insert: "(g) provisions addressing property owner and wind energy developer liability during the construction and operation of the wind energy project and equipment;"

4. Page 3, line 30.
Following: "estate;"
Insert: "or"

5. Page 4, line 2 through line 5.
Strike: ";" on line 2 through "state" on line 5
Renumber: subsequent subsection

And, as amended, be concurred in. Report adopted.

HB 593, be amended as follows:

1. Title, page 1, line 5.
Following: "17.8.772"
Insert: "AND TO ADOPT NEW MERCURY RULES"

2. Page 1, line 11 through line 12.
Strike: section 1 in its entirety
Insert: "NEW SECTION. **Section 1. Department to repeal rules -- adoption of new rules.** (1) Within 1 year of the adoption of federal mercury regulations by the environmental protection agency, the board of environmental review shall repeal ARM 17.8.771 and 17.8.772 and adopt rules for the regulation of mercury that are no more stringent than federal regulations.

(2) If a court of competent jurisdiction issues a final decision declaring mercury regulations promulgated by the environmental protection agency invalid or if the environmental protection agency rescinds its mercury rules, the board shall repeal its rules and the department may not enforce any corresponding rule adopted by the board relating to the regulation of mercury emissions.

(3) A facility that installed and operated equipment pursuant to ARM 17.8.771 before [the effective date of this act] shall maintain and operate the equipment, including monitoring equipment, until it is necessary to demonstrate compliance with federal mercury regulations."

3. Page 1, line 14.
Strike: "-- void"
Strike: "(1)"

4. Page 1, line 18 through line 20.
Strike: subsection (2) in its entirety

5. Page 1, line 28.
Strike: "section 2"
Insert: "sections 1 and 2"

6. Page 2, line 27.
Strike: "Section 2"
Insert: "Sections 1 and 2"
Strike: "is"
Insert: "are"

7. Page 2, line 28.
Strike: "section 2"
Insert: "sections 1 and 2"

And, as amended, be concurred in. Report adopted.

FINANCE AND CLAIMS (Lewis, Chairman): 3/22/2011
HB 2, be amended as follows:

1. Page A-4, line 1.
Strike: "16,106,684 16,114,857" [state special fund FY12 & FY13]
Insert: "15,681,505 15,651,898" [state special fund FY12 & FY13]
2. Page A-5, line 5.
Strike: "75,000 75,000" [general fund FY 12 and FY 13]
Insert: "150,000 150,000" [general fund FY 12 and FY 13]

3. Page A-8, line 3.
Strike: "0 0" [general fund FY 2012 and FY 2013]
Insert: "425,179 462,959" [general fund FY 2012 and FY 2013]
Strike: "1,000,000 1,000,000" [state special fund FY 2012 and FY 2013]
Insert: "574,821 537,041" [state special fund FY 2012 and FY 2013]

4. Page A-8.
Following: line 8
Insert: "e. Main Street Program (OTO)

5. Page A-8, line 10.
Strike: "0 ____0" on page 8, line 10 [general fund FY 2012 and FY 2013]
Insert: "125,000 125,000" [general fund FY 2012 and FY 2013]

6. Page A-8, line 17.
Strike: "758,291" [state special fund FY 12]
Insert: "758,361" [state special fund FY 12]

7. Page A-9, line 4.
Strike: "363,811 364,710" [state special fund FY 2012 and FY 2013]
Insert: "363,811 364,710" [general fund FY 2012 and FY 2013]

8. Page A-9, line 6.
Strike: "852" [state special fund FY 2012]
Insert: "852" [general fund FY 2012]

9. Page A-9, line 11.
Strike: "no" through "biennium"
Insert: "House Bill No. 351 is not passed and approved"

10. Page B-1.
Following: line 17

Insert: "a. Foster Care Stipend (Restricted/Biennial/OTO)
355,875 355,875" [federal special fund FY 12 and FY 13]

11. Page B-1, line 25.
Following: "Funding for"
Strike: "making 5.00 temporary and modified FTE permanent"
Insert: "Temporary and Modified FTE"

12. Page B-1.
Following: line 25
Insert: "Funding for Foster Care Stipend may be used only by the child and family services division to pay stipends to regular foster care families and regular kinship care families of an estimated $0.75 cents per day in addition to the daily foster care maintenance payment. Child and family services may adjust the stipend amount to reflect the funding of $355,875 each year of the biennium with the actual number of children placed in regular family foster care and kinship foster care."

13. Page B-3, line 1.
Following: "contract"
Strike: "program to pay a recovery audit contractor"
Insert: "to pay recovery audit costs"

14. Page B-3, line 3.
Following: "the"
Insert: "Quality Assurance Division to pay staff to administer the"
Following: "marijuana"
Strike: "program"
Insert: "registry"

15. Page B-3, line 4.
Following: "the"
Insert: "Quality Assurance Division to pay annualized expenses for the"
Following: "marijuana"
Strike: "program"
Insert: "registry"

16. Page B-3, line 7.
Strike: "10,810,590" [state special fund FY 13]
Insert: "10,804,580" [state special fund FY 13]

17. Page B-3, line 19.
Strike: "106,395,593 111,982,368" [general fund FY12&FY13]
Insert: "105,970,414 111,519,409" [general fund FY12&FY13]
Strike: "71,925,662 72,900,727" [state special fund FY 12 & FY 13]
Insert: "66,513,741 67,532,499" [state special fund FY 12 & FY 13]

Strike: "427,176,404 454,277,131" [federal special fund FY 12 FY 13]
Insert: "415,749,085 443,087,924" [federal special fund FY 12 & FY 13]

18. Page B-3
Following: line 23
Insert: "c. Big Sky Rx GF(Restricted/OTO)"
Insert: "2,583,251 2,583,251" [general fund FY 12 FY 13]

19. Page B-4, line 2.
Strike: "61,200,962 62,750,080" [general fund FY 12 FY 13]
Insert: "60,935,780 62,484,898" [general fund FY 12 FY 13]

Strike: "165,451,895 165,825,968" [federal special fund FY 12 FY 13]
Insert: "160,421,396 160,163,010 " [federal special fund FY 12 FY 13]

20. Page B-4, line 3.
Strike: "30,755,347 30,910,949" [state special fund FY 12 FY 13]
Insert: "27,670,974 27,444,949" [state special fund FY 12 FY 13]

21. Page B-4.
Following: line 8
Insert: "b. Area Agencies on Aging (Restricted/OTO)"
Insert: "1,500,000 1,500,000" [general fund FY 12 FY 13]
Insert: "c. County Nursing Home Intergovernmental Transfer (IGT) (Restricted)"
Insert: "3,134,373 3,516,000" [state special fund FY 12 FY 13]
Insert: "6,136,181 6,746,699" [federal special fund FY 12 FY 13]

22. Page B-4.
Following: line 24
Insert: "Big Sky Rx GF and Area Agencies on Aging are contingent on passage and approval of a bill allowing the transfer of revenues from the older Montana trust fund."

23. Page B-5, line 5.
Following: "nursing home bed days"
Insert: "costs"
Following: "underfunded"
Insert: "as of July 1 of each year"

24. Page B-5.
Following: line 5

Insert: "County Nursing Home Intergovernmental Transfer (IGT) may be used as one-time-only payments to nursing homes based on the number of medicaid services provided. State special revenue in County Nursing Home IGT may be expended only after the office of budget and program planning has certified that the department has collected from

participating counties the amount necessary to make one-time-only payments to nursing homes and to fund the base budget in the nursing facility program and the community services program at the level of $564,785 state special revenue each year of the biennium and $1,105,682 federal funds in FY 2012 and $1,083,741 in FY 2013."

25. Page C-1, line 16.
Strike: "11,822,802 11,826,362" [state special fund FY12 and FY 13]
Insert: "11,672,968 11,676,757" [state special fund FY12 and FY13]
Strike: "5,603,249 5,609,490" [federal special fund FY12 and FY 13]
Insert: "5,470,689 5,476,490" [federal special fund Fy12 and FY 13]

26. Page C-2.
Following: line 1
Insert: "g. Upland Game Bird Program 149,834 149,605
[state special fund FY 12 and FY 13]
132,560 133,000 [federal special fund FY 12 and FY 13]"
Insert: "h. Grizzly Bear DNA Study (Restricted/OTO)"
150,000 150,000" [state special fund FY 12 and FY 13]

27. Page C-2, line 23.
Strike: "489,676 489,676" [state special fund FY12 and FY13]
Insert: "339,676 339,676" [state special fund FY12 and FY13]

28. Page C-3, line 4.
Following: "prevention"
Insert: "of aquatic nuisance species"

29. Page C-3.
Following: line 7
Insert: "Grizzly Bear DNA Study is restricted to the Cabinet-Yaak management area."

30. Page C-3, line 8.
Strike: "for local snowmobile clubs"
Insert: "that may be used by local snowmobile clubs for grooming areas that are open to public use"

31. Page C-3, line 10.
Strike: "LC 864"
Insert: "House Bill No. 610"

32. Page C-3, line 13.
Following: "justice"
Insert: "for additional legal support"

33. Page C-3, line 14.
Strike: "862"
Insert: "411"

34. Page C-4, line 5.
Strike: "16,405,998 16,406,788" [state special fund FY 12 and FY 13]
Insert: "16,185,125 16,197,277" [state special fund FY 12 and FY 13]

35. Page C-4.
Strike: line 16 through line 18

36. Page C-4.
Strike: line 19 through line 20

37. Page C-5.
Following: line 22
Insert: "d. Unmanned Aircraft Systems Grants (Restricted/Biennial/OTO)
150,000 150,000" [state special fund FY 12 and FY 13]

38. Page C-6.
Following: line 3
Insert: "c. Biodiesel Fuel Research (Restricted/Biennial/OTO) 200,000 200,000" [state special fund FY 12 and FY 13]

39. Page C-6.
Following: line 14
Insert: "Unmanned Aircraft Systems Grants may be used only to provide grants to the municipalities of Great Falls and Lewistown to obtain unmanned aircraft systems certificates of authorization and to authorize related flight operations within Montana airspace, facility improvements, services support, and safety equipment."
Insert: "Biodiesel Fuel Research may be used only to provide grants to Montana state university-northern to test and develop biodiesel and related technology in support of Montana agriculture, refining, transportation, and other related emerging industries."

40. Page C-6, line 16.
Following: "(01)"
Insert: "(OTO)"

41. Page C-6, line 18.
Following: "(Restricted/Biennial"
Insert: "/OTO"

42. Page C-6, line 20.
Following: "(03)"
Insert: "(OTO)"

43. Page C-6, line 21.
Strike: "180,820 180,943" [general fund FY 2012 and FY 2013]
Insert: "250,512 250,635" [general fund FY 2012 and FY 2013]

Strike: "1,720,517 1,725,491" [state special fund FY 2012 and FY 2013]
Insert: "1,650,825 1,655,799" [state special fund FY 2012 and FY 2013]

44. Page C-7, line 1.
Following: "(04)"
Insert: "(OTO)"

45. Page C-7, line 9.
Following: "(05)"
Insert: "(OTO)"

46. Page C-7, line 13.
Following: "(06)"
Insert: "(OTO)"

47. Page C-7, line 15.
Following: "(10)"
Insert: "(OTO)"

48. Page C-7.
Strike: line 21 through line 23

49. Page C-8, line 23.
Strike: "4,000,220 3,999,974" [state special fund FY 2012 and 2013]
Insert: "3,900,220 3,899,974" [state special fund FY 2012 and 2013]
50. Page C-9.
Following: line 10
Insert: "d. Lease Payments (OTO) $3,817 $3,817" [general fund FY 12 and FY 13]

51. Page C-9, line 15.
Following: "operations"
Strike: "fund"
Insert: "account"
Following: "established"
Insert: "in 15-38-301"

52. Page C-9, line 16.
Following: "security as"
Strike: "required by the renewable resources grant and loan program"
Insert: "provided in 85-1-615"

53. Page C-9, line 17.
Strike: "fund"
Insert: "protection account established in 76-15-904"

54. Page C-9.
Strike: line 22 through line 25

55. Page C-10.
Strike: line 1 through line 2

56. Page C-10.
Following: line 8
Insert: "If House Bill No. 587 is not passed and approved, state special revenue funding in Water Resources Division is increased by $100,000 in FY 2012 and $100,000 in FY 2013."

57. Page C-10.
Strike: line 9 through line 11

58. Page C-10.
Following: line 11
Insert: "Lease Payments is restricted to reimbursing the veterans home trust for public use of the associated trust lands."

59. Page C-10, line 12.
Following: "appropriated"
Insert: "up to $23 million of"

60. Page C-10, line 13.
Following: line 12
Insert: "If Senate Bill No. 410 is passed and approved, the department is appropriated up to $60,885,000 for the 2013 biennium from the public land trust acquisition account for the purpose of carrying out the provisions of Senate Bill No. 410."

61. Page C-10.
Following: line 23
Insert: "c. Implementation of SB 343 -- Aquatic Invasive Species Act (Restricted/OTO) 250,000 250,000" [general fund FY 12 and FY 13]

62. Page C-11.
Following: line 3

Insert: "If Senate Bill No. 343 is not passed and approved, then Implementation of SB 343 -- Aquatic Invasive Species Act is void."

63. Page D-1, line 16.
Strike: "253,152 253,339" [state special fund FY 2012 and 2013]
Insert: "327,078 327,265" [state special fund FY 2012 and 2013]

64. Page D-1, line 20.
Strike: "1,671,496 1,673,995" [state special fund FY 2012 and 2013]
Insert: "1,642,111 1,903,380" [state special fund FY 2012 and 2013]

65. Page D-2, line 1.
Strike: line 1 in its entirety

66. Page D-2.
Following: line 1
Insert: "If House Bill No. 587 is not passed and approved, state special revenue funding in Water Courts Supervision is reduced by $200,000 in FY 2013."

67. Page D-2, line 14.
Following: "by"
Strike: "$219,093"
Insert: "$67,630"
Following: "money,"
Strike: "$650"
Insert: "$200"
Following: "and"
Strike: "$62,776"
Insert: "$19,378"

68. Page D-2, line 15.
Following: "and"
Strike: "$219,172"
Insert: "$67,980"
Following: "money,"
Strike: "$650"
Insert: "$201"
Following: "and"
Strike: "$62,798"
Insert: "$19,478"

69. Page D-3, line 3.
Strike: "2,990,469 2,994,224" [state special fund FY 2012 and 2013]
Insert: "2,888,979 2,892,734" [state special fund FY 2012 and 2013]

Strike: "1,136,642 1,138,184" [proprietary FY 2012 and 2013]
Insert: "1,238,132 1,239,674" [proprietary FY 2012 and 2013]

70. Page D-3, line 15.
Strike: "5,608,697 6,018,793" [general fund FY 2012 and 2013]
Insert: "5,704,753 6,114,849" [general fund FY 2012 and 2013]

71. Page D-6, line 3.
Strike: "17,462,087 17,477,710" [general fund FY 2012 and 2013]
Insert: "17,514,287 17,529,910" [general fund FY 2012 and 2013]

72. Page D-6.
Following: line 18
Insert: "Secure Custody Facilities includes $18,000 of general fund money in fiscal year 2012 and $10,000 of general fund money in fiscal year 2013 that is contingent upon the Montana state prison receiving national commission on correctional health care accreditation prior to the end of fiscal year 2011.
Secure Custody Facilities includes $200,750 general fund money each year that may be used only to support an increase in rates for privately owned secure prison facility beds located within Montana.
Funding in Secure Care Population Growth may be used only to support secure assisted living beds and secure contract beds."

73. Page D-6.
Following: line 23
Insert: "Funding in Juvenile Reentry Services may be used only to support mentor grants, guide homes, parish nurses, two aftercare coordinators, and other juvenile reentry services."

74. Page E-1, line 14.
Strike: "487,532,217 549,504,129" [general fund FY12 and FY13]
Insert: "480,074,235 540,078,580" [general fund FY12 and FY13]

75. Page E-1, line 16.
Strike: "40,362,884 40,362,884" [general fund FY12 and FY13]
Insert: "41,647,331 41,647,331" [general fund FY12 and FY13]

76. Page E-1, line 18.
Strike: "12,421,927 12,421,927" [general fund FY12 and FY13]
Insert: "12,621,927 12,721,927" [general fund FY12 and FY12]

77. Page E-1, line 22.
Strike: "648,655 648,655" [general fund FY12 and FY13]
Insert: "663,861 676,386" [general fund FY12 and FY13]

78. Page E-2, line 7.
Strike: "67,000,000" [state special fund FY12]
Insert: "65,150,000" [state special fund FY12]

79. Page E-2, following line 9.
Insert: "l. At-Risk Student Payment (Restricted/Biennial)
5,000,000 5,000,000" [general fund FY12 and FY13]
Insert: "m. In-State Treatment (Restricted/Biennial)
787,800 787,800" [general fund FY12 and FY13]
Insert: "n. Secondary Vo-ed (Restricted/Biennial)
1,000,000 1,000,000" [general fund FY12 and FY13]
Insert: "o. Adult Basic Education (Restricted/Biennial)
525,000 525,000" [general fund FY12 and FY13]
Insert: "p. Gifted and Talented (Restricted/Biennial)
250,000 250,000" [general fund FY12 and FY13]
Insert: "q. Pathway to Excellence Program (Restricted/Biennial)
3,911,140 7,790,882" [state special FY12 and FY13]
Insert: "r. BASE Aid Inflation and Fund Switch (Restricted/Biennial)
20,064,547 28,778,088" [state special FY12 and FY13]

80. Page E-2, line 13.
Following: "million"
Insert: "in FY 2012 and $1.1 million in FY 2013"

81. Page E-2, line 15 and line 16.
Strike: "The appropriation for Montana Digital Academy is"
Insert: "The appropriations for the Montana Digital Academy, the At-Risk Student Payment, Secondary Vo-ed, Adult Basic Education, and Gifted and Talented are"
Following: "316" on line 15
Strike: remainder of line 15 through "20-9-622" on line 16

82. Page E-2, line 17.
Strike: "a bill to establish a merit-based educator recognition"
Insert: "Senate Bill No. 403 in a form that establishes the pathway to excellence"
Following: "program."
Strike: remainder of line 17 through line 18

83. Page E-2, line 21.
Strike: "a bill"
Insert: "Senate Bill No. 403 in a form"

84. Page E-2, line 23.
Strike: "LC 498"
Insert: "Senate Bill No. 403"

85. Page E-2, line 23.
Following: "$1,089,927"
Insert: "general fund"
Strike: "1,489,283"
Insert: "$1,489,283 general fund"

86. Page E-2, line 24.
Strike: "LC 532"
Insert: "House Bill No. 604"

87. Page E-2, line 24.
Strike: "$32.85"
Insert: "$28"

88. Page E-2, line 25.
Strike: "LC 498"
Insert: "Senate Bill No. 403"

89. Page E-3, line 1.
Strike: "a bill"
Insert: "Senate Bill No. 403 in a form"

90. Page E-3, line 4 through line 18.
Strike: line 4 through line 18 in their entirety

91. Page E-3, following line 20.
Insert: "The office of public instruction may distribute funds from the appropriation for In-State Treatment to public school districts for the purpose of providing for educational costs of children with significant behavioral or physical needs."

92. Page E-3, line 23.
Strike: "206,990 212,358" [general fund FY12 and FY13]
Insert: "216,907 222,275" [general fund FY12 and FY13]

Strike: "178,618 179,020" [state special fund FY12 and FY13]
Insert: "187,920 188,322" [state special fund FY12 and FY13]

93. Page E-4, line 18.
Strike: "424,524 437,171" [general fund FY12 & FY13]
Insert: "433,297 445,255" [general fund FY12 & FY13]
Strike: "202,783 200,125" [state special fund FY12 & FY13]
Insert: "204,342 201,903" [state special fund FY12 & FY13]

94. Page E-4, line 22.
Strike: "798,296 798,672" [federal special fund FY12 & FY13]
Insert: "802,113 802,900" [federal special fund FY12 & FY13]

95. Page E-5.
Strike: line 13 in its entirety

96. Page E-5.
Following: line 18
Insert: "b. HB 477 -- Historical Interpretation and Scriver Collection Costs
25,000 25,000" [state special fund FY12 & FY13]

97. Page E-5.
Following: line 20
Insert: "a. HB 477 -- Historical Interpretation and Scriver Collection Costs
65,000 65,000" [state special fund FY12 & FY13]

98. Page E-5.
Following: line 22
Insert: "a. Care and Conservation of Artifacts (Restricted/Biennial)
95,000" [general fund FY 12]
Insert: "b. HB 477 – Historical Interpretation and Scriver Collection Costs
297,036 305,518" [state special fund FY12 & FY13]

99. Page E-6.
Following: line 1
Insert: "a. HB 477 -- Historical Interpretation and Scriver Collection Costs
89,500 95,231" [state special fund FY12 & FY13]

100. Page E-6.
Following: line 6
Insert: "If House Bill No. 477 is not passed and approved, the items for HB 477 -- Historical Interpretation and Scriver Collection Costs are void."

101. Page E-6, line 25.
Strike: "131,914,650 131,602,215" [general fund FY12 & FY13]
Insert: "132,028,209 131,715,482" [general fund FY12 & FY13]

102. Page E-7, line 8.
Strike: "1,069,145 1,070,521" [general fund FY12 & FY13]
Insert: "1,011,216 1,012,592" [general fund FY12 & FY13]

103. Page E-7, line 10.
Strike: "2,811,815 2,812,876" [general fund FY12 & FY13]
Insert: "2,756,185 2,757,538" [general fund FY12 & FY13]

104. Page R-7.
Following: line 8
Insert: "b. Human Resources Information System Fee"

105. Page R-7, line 18.
Strike: "$4,4831,041" [FY 2013]
Insert: "$4,831,041" [FY 2013]

106. Page R-13, line 2.
Strike: "$88.00" [FY 2012]
Insert: "$93.00" [FY 2012]

107. Page R-13, line 3.
Strike: "$88.00" [FY 2013]
Insert: "$93.00" [FY 2013]

108. Page R-13, line 4.
Strike: "$49.00 $49.00" [FY 2012 and 2013]
Insert: "$53.00 $53.00" [FY 2012 and 2013]

And, as amended, be concurred in. Report adopted as follows:
Yeas: Arthun, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Walker, Wittich, Zinke, Mr. President.
Total 26

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Absent or not voting: None.
Total 0

Excused: Balyeat, Vincent.
Total 2

FISH AND GAME (Brenden, Chairman): 3/22/2011
HB 225, be concurred in. Report adopted.
HB 339, be concurred in. Report adopted.
HB 566, be concurred in. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 3/22/2011

HB 3, introduced by Mehlhoff
HB 4, introduced by Mehlhoff
HB 5, introduced by Sesso
HB 6, introduced by McChesney
HB 7, introduced by Belcourt

Senate bills concurred in and returned to the Senate: 3/22/2011

SB 176, introduced by Hutton
SB 294, introduced by Buttrey

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Essmann moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Augare in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 343 - Senator Jackson moved **SB 343** do pass. Motion carried as follows:
Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Wittich, Zinke, Mr. President.
Total 44

Nays: Keane, Stewart-Peregoy, Williams, Windy Boy.
Total 4

Absent or not voting: None.
Total 0

Excused: Balyeat, Vincent.
Total 2

HB 25 - Senator Gillan moved **HB 25** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju,

Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 44

Nays: Hinkle, Hutton, Walker, Wittich.
Total 4

Absent or not voting: None.
Total 0

Excused: Balyeat, Vincent.
Total 2

HB 352 - Senator J. Peterson moved **HB 352** be concurred in.

HB 352 - Senator J. Peterson moved **HB 352**, second reading copy, be amended as follows:

1. Page 1, line 17.
Strike: "shall"
Insert: "may"

Amendment adopted as follows:
Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Balyeat, Vincent.
Total 2

HB 352 - Senator J. Peterson moved **HB 352**, as amended, be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley,

Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Balyeat, Vincent.
Total 2

HB 428 - Senator Olson moved **HB 428** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Balyeat, Vincent.
Total 2

HB 467 - Senator Tutvedt moved **HB 467** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Balyeat, Vincent.
Total 2

HB 469 - Senator Windy Boy moved **HB 469** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Balyeat, Vincent.
Total 2

HB 90 - Senator Buttrey moved consideration of **HB 90** be passed for the day. Without objection, so ordered.

Senator Wanzenried excused.

HB 479 - Senator Lake moved **HB 479** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Barrett, Brenden, Brown, Buttrey, Essmann, Gallus, Hamlett, Hinkle, Hutton, Jackson, Jones, Keane, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vuckovich, Walker, Wittich, Zinke, Mr. President.
Total 31

Nays: Blewett, Branae, Caferro, Erickson, Facey, Gillan, Hawks, Jent, Kaufmann, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Williams, Windy Boy.
Total 16

Absent or not voting: None.
Total 0

Excused: Balyeat, Vincent, Wanzenried.
Total 3

HB 541 - Senator Moore moved **HB 541** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley,

Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Balyeat, Vincent, Wanzenried.
Total 3

HB 584 - Senator Buttrey moved **HB 584** be concurred in. Motion carried as follows:
Yeas: Augare, Blewett, Branae, Brown, Buttrey, Caferro, Erickson, Essmann, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jones, Kaufmann, Keane, Larsen, Lewis, Moss, Mowbray, Olson, Priest, Shockley, Tropila, Van Dyk, Vuckovich, Walker, Williams.
Total 29

Nays: Arthun, Barrett, Brenden, Facey, Hinkle, Jent, Lake, Moore, Murphy, Ripley, Sonju, Steinbeisser, Stewart-Peregoy, Tutvedt, Windy Boy, Wittich, Zinke, Mr. President.
Total 18

Absent or not voting: None.
Total 0

Excused: Balyeat, Vincent, Wanzenried.
Total 3

HB 142 - Senator Jent moved **HB 142** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Williams, Windy Boy, Zinke, Mr. President.
Total 46

Nays: Wittich.
Total 1

Absent or not voting: None.
Total 0

Excused: Balyeat, Vincent, Wanzenried.
Total 3

HB 212 - Senator Vuckovich moved **HB 212** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Blewett, Branae, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Williams, Windy Boy, Zinke, Mr. President.
Total 41

Nays: Barrett, Brenden, Hinkle, Ripley, Sonju, Wittich.
Total 6

Absent or not voting: None.
Total 0

Excused: Balyeat, Vincent, Wanzenried.
Total 3

HB 338 - Senator Wittich moved **HB 338** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Balyeat, Vincent, Wanzenried.
Total 3

HB 403 - Senator Tutvedt moved **HB 403** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Williams, Zinke, Mr. President.
Total 45

Nays: Windy Boy, Wittich.
Total 2

Absent or not voting: None.
Total 0

Excused: Balyeat, Vincent, Wanzenried.
Total 3

Senator Essmann moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. Senate resumed. President Peterson in the chair. Chairman Augare moved the Committee of the Whole report be adopted.
Yeas: Arthun, Augare, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 45

Nays: Barrett, Mowbray.
Total 2

Absent or not voting: None.
Total 0

Excused: Balyeat, Vincent, Wanzenried.
Total 3

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 420, introduced by Gallus, Keane, referred to Local Government.
SB 421, introduced by Shockley, referred to Judiciary.
SB 422, introduced by Kaufmann, referred to State Administration.

Senate in recess until 6:00 p.m.

President Pro Tempore Tutvedt reconvened the Senate at 6:00 p.m.

Roll Call. All members present, except Senators Balyeat, Branae, Brown, Erickson, Facey, Gallus, Jones, Lewis, Murphy, J. Peterson, and Vincent, excused. Quorum present.

REPORTS OF STANDING COMMITTEES

LOCAL GOVERNMENT (Sonju, Chairman): 3/23/2011
HB 41, be concurred in. Report adopted.
HB 123, be concurred in. Report adopted.

HB 391, be concurred in. Report adopted.
HB 522, be amended as follows:

1. Page 1, line 20.
Strike: "presiding officer"
Insert: "members"

And, as amended, be concurred in. Report adopted.

HB 529, be concurred in. Report adopted.

NATURAL RESOURCES (Barrett, Chairman): 3/23/2011
SB 409, introduced bill, be amended as follows:

1. Page 1, line 15.
Strike: "1.5%"
Insert: "2%"

2. Page 1, line 26.
Following: "bid"
Insert: "within 30 days"
Strike: "may"
Insert: "shall"

3. Page 1, line 29.
Following: "section."
Insert: "A lessee choosing to voluntarily place a cabin site lease up for competitive bid is not entitled to a preference right to meet the high bid."

4. Page 4, line 2.
Following: "finalized."
Insert: "If a winning bidder has been identified and the transaction for the sale of the improvements is in process, the current lessee shall pay a prorated lease fee based on the current lease until the date that the sale of the improvements is finalized."

And, as amended, do pass. Report adopted.

SB 410, introduced bill, be amended as follows:

1. Title, page 1, line 12.
Strike: "AND ADMINISTRATIVE COSTS"

2. Title, page 1, line 13.
Strike: ",77-1-108, 77-1-109,"

3. Page 5, line 15 through page 7, line 24.
Strike: section 4 through section 5 in their entirety
Renumber: subsequent sections

And, as amended, do pass. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Priest, Chairman): 3/23/2011
HB 30, be concurred in. Report adopted.
HB 206, be concurred in. Report adopted.

FIRST READING AND COMMITMENT OF BILLS

The following Senate bill was introduced, read first time, and referred to committee:

SB 423, introduced by Essmann, referred to Judiciary.

The following Senate joint resolution was introduced, read first time, and referred to committee:

SJR 22, introduced by Priest, referred to Natural Resources.

The following House bills were introduced, read first time, and referred to committees:

HB 9, introduced by Hollenbaugh (by request of the Montana Arts Council and the Office of Budget and Program Planning), referred to Finance and Claims.
HB 10, introduced by Hollenbaugh (by request of the Office of Budget and Program Planning), referred to Finance and Claims.
HB 15, introduced by Schmidt (by request of the Department of Commerce and the Office of Budget and Program Planning), referred to Finance and Claims.
HB 51, introduced by Dick Barrett (by request of the Department of Environmental Quality), referred to Finance and Claims.
HB 375, introduced by Cook, Hollandsworth, referred to Finance and Claims.
HB 490, introduced by Warburton, Hale, Howard, Harris, Rosendale, G. Bennett, Kerns, Beck, Hinkle, Taylor, Loney, Arntzen, Brodehl, Hutton, C. Smith, Priest, Wagner, Skees, More, Roberts, Murphy, Kennedy, O'Neil, Lewis, Jackson, Blasdel, Read, Lavin, Edmunds, Regier, O'Hara, Hollandsworth, Knudsen, K. Peterson, Buttrey, Knox, Ingraham, Ehli, Blyton, Ripley, Balyeat, Vincent, referred to Judiciary.
HB 533, introduced by Berry, McChesney, Olson, Ankney, Small, referred to Natural Resources.
HB 574, introduced by Warburton, referred to Judiciary.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Essmann moved that the Senate adjourn until 1:00 p.m., Thursday, March 24,

2011. Motion carried.

Senate adjourned at 6:04 p.m.

MARILYN MILLER
Secretary of the Senate

JIM PETERSON
President of the Senate

SENATE JOURNAL
62ND LEGISLATURE
SIXTY-SIXTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
March 24, 2011 — State Capitol

Senate convened at 1:00 p.m. President Pro Tempore Tutvedt presiding. Invocation by Chaplain Keith Johnson. Pledge of Allegiance to the Flag. Roll Call. All members present, except Senator J. Peterson, excused. Quorum present.

SPECIAL ORDERS OF THE DAY

Senator Augare introduced Kacie West, the current Miss Montana, who escorted Sotara Barnaby into the Senate chamber. Senator Augare read the following Joint proclamation:

A JOINT PROCLAMATION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA

Honoring Sotara Barnaby

March 24, 2011

Commending Sotara Barnaby, a ten-year old Native American girl from Pablo, who is being treated at Shodair Children's Hospital, and whose optimism and determination helps her triumph over a rare genetic condition, allowing her to live a fruitful life with family and community.

WHEREAS, Children's Miracle Network Hospitals, the international alliance of premier children's hospitals in the U.S. and Canada, spotlights the heroic battles of children like Sotara with illnesses of all kinds; and

WHEREAS, Sotara Barnaby will represent Montana in the Children's Miracle Network Hospitals program honoring remarkable children who have met the challenges of severe medical conditions: Champions Across America; and

WHEREAS, Sotara has been selected for her courage, tenacity, and perseverance as the sole representative of children's genetic health needs, and an ambassador for the 17 million children treated each year at Children's Miracle Network affiliated children's hospitals.

NOW THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE STATE OF MONTANA, that we congratulate Sotara Barnaby for her positive attitude in the face of a significant medical condition, and convey to her their sincere best wishes for safe travel and memorable experiences during her year as Montana's Champion.

President of the Senate — Speaker of the House
Jim Peterson — Mike Milburn

Senate Minority Leader
Carol Williams

House Minority Leader
Jon Sesso

BILLS AND JOURNALS: 3/24/2011

Correctly printed: **SB 343**, **HB 25**, **HB 30**, **HB 41**, **HB 123**, **HB 142**, **HB 206**, **HB 225**, **HB 318**, **HB 338**, **HB 339**, **HB 391**, **HB 403**, **HB 430**, **HB 469**, **HB 479**, **HB 498**, **HB 529**, **HB 541**, **HB 566**, **HB 584**.
Correctly engrossed: **SB 409**, **SB 410**, **HB 2**, **HB 43**, **HB 100**, **HB 166**, **HB 212**, **HB 237**, **HB 291**, **HB 295**, **HB 341**, **HB 352**, **HB 428**, **HB 467**, **HB 522**, **HB 593**.
Correctly enrolled: **SB 351**.
Examined by the sponsor and found to be correct: **SB 176**, **SB 294**, **SB 351**.
Signed by the Speaker at 4:48 p.m., March 23, 2011: **SB 7**, **SB 12**, **SB 92**, **SB 125**, **SB 205**, **SB 342**.
Signed by the President at 3:45 p.m., March 23, 2011: **SB 7**, **SB 92**, **SB 125**, **SB 205**, **SB 342**.
Signed by the Secretary of the Senate at 3:05 p.m., March 24, 2011: **SB 7**, **SB 92**, **SB 125**, **SB 205**, **SB 342**.
Signed by the Secretary of the Senate at 4:20 p.m., March 23, 2011: **SB 12**.
Signed by the President at 4:21 p.m., March 23, 2011: **SB 12**.
Delivered to the Governor for approval at 11:58 a.m., March 24, 2011: **SB 7**, **SB 12**, **SB 92**, **SB 125**, **SB 205**, **SB 342**.

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Balyeat, Chairman): 3/24/2011
HB 275, be amended as follows:

1. Page 2, line 16.
Following: "lifetime"
Insert: "but not including expenses necessary to care for dependents of the deceased party"

And, as amended, be concurred in. Report adopted.

HB 408, be amended as follows:

1. Page 2, lines 24 through 25.
Strike: "[the effective" on line 24 through "act]" on line 25
Insert: "July 1, 2012"

And, as amended, be concurred in. Report adopted.

HB 464, be concurred in. Report adopted.
HB 487, be concurred in. Report adopted.

JUDICIARY (Murphy, Chairman): 3/24/2011
HB 12, be amended as follows:

1. Title, line 6 through line 7.
Following: the second "OFFENSES" on line 6
Strike: remainder of line 6 through "YEAR" on line 7

2. Page 1, line 15.
Strike: "1 year"
Insert: "6 months"

3. Page 2, line 19.
Strike: "10 days"
Insert: "6 months"

4. Page 2, line 21.
Strike: "20 days"
Insert: "6 months"

5. Page 2, line 24.
Strike: "30 days"
Insert: "1 year"

6. Page 2, line 26.
Strike: "60 days"
Insert: "1 year"

7. Page 2, line 30.
Strike: "10"
Insert: "30"

8. Page 3, line 3.
Strike: "20"
Insert: "60"

And, as amended, be concurred in. Report adopted.

HB 69, be amended as follows:

1. Page 1, line 28.
Strike: "1 year"
Insert: "6 months"

2. Page 3, line 10.
Following: "of a"
Insert: "first"

3. Page 3, line 11.
Strike: "1 year"
Insert: "6 months"

4. Page 3, line 13.
Strike: "1 year"
Insert: "6 months"

5. Page 3, line 17.
Strike: "30 days"
Insert: "1 year"

6. Page 3, line 26.
Following: "of a"
Insert: "third"

And, as amended, be concurred in. Report adopted.

HB 102, be concurred in. Report adopted.
HB 106, be amended as follows:

1. Page 7, line 30.
Strike: "2 years"
Insert: "1 year"

2. Page 8, line 2.
Strike: "2-year"
Insert: "1-year"

3. Page 8, line 3.
Strike: "2-year"
Insert: "1-year"

And, as amended, be concurred in. Report adopted.

HB 167, be amended as follows:

1. Page 2, lines 12 through 17.
Following: "**exceptions.**" on line 12
Strike: remainder of line 12 through "behalf." on line 17

Insert: "A prosecution for a violation of 45-5-102 or 45-5-103 with regard to the death of an unborn child may not be brought against:

(1) a person for conduct relating to an abortion for which the consent of the pregnant woman, or a person authorized by law to act on her behalf, has been obtained or for which the consent is implied by law;

(2) a person for any medical treatment of the pregnant woman or her unborn child; or

(3) a woman with respect to her unborn child."

And, as amended, be concurred in. Report adopted.

HB 185, be concurred in. Report adopted.
HB 269, be concurred in. Report adopted.
HB 480, be concurred in. Report adopted.

STATE ADMINISTRATION (Shockley, Chairman): 3/23/2011
HB 91, be amended as follows:

1. Title, page 1, line 19.
Following: "13-25-101,"
Insert: "AND"
Strike: "AND 13-38-202,"

2. Page 50, line 16 through line 29.
Strike: section 76 in its entirety
Renumber: subsequent sections

And, as amended, be concurred in. Report adopted.

HB 152, be amended as follows:

1. Page 4, line 20.
Following: line 19
Insert: "COORDINATION SECTION. **Section 5. Coordination instruction.** If both House Bill No. 91 and [this act] are passed and approved, then the section of House Bill No. 91 that amends 13-13-602 is void."

And, as amended, be concurred in. Report adopted.

HB 279, be amended as follows:

1. Title, page 1, line 11.
Following: "PROVIDING AN"
Insert: "IMMEDIATE"

2. Page 9, line 8.
Strike: "July 1, 2011."
Insert: "on passage and approval."

And, as amended, be concurred in. Report adopted.

HB 297, be amended as follows:

1. Page 1, line 15.
Strike: "2015"
Insert: "2013"

2. Page 2, line 29.
Strike: "2020"
Insert: "2025"

3. Page 3, line 2.
Strike: "2020"
Insert: "2025"

4. Page 3, line 6.
Strike: "2020"
Insert: "2025"

5. Page 3, line 10.
Strike: "2020"
Insert: "2025"

6. Page 3, line 15.
Strike: "2020"
Insert: "2025"

7. Page 3, line 18.
Strike: "2020"
Insert: "2025"

8. Page 3, line 20.
Strike: "2020"
Insert: "2025"

And, as amended, be concurred in. Report adopted.

HB 431, be concurred in. Report adopted.

TAXATION (Tutvedt, Chairman): 3/24/2011
SB 406, introduced bill, be amended as follows:

1. Title, page 1, lines 11 and 12.
Strike: "CLARIFYING" on line 11 through "MEDIATOR;" on line 12

2. Title, page 1, line 13.
Following: "15-23-104,"
Insert: "AND"
Strike: "AND 26-1-813,"

3. Page 12, line 7 through page 13, line 10.
Strike: section 10 in its entirety
Renumber: subsequent section

And, as amended, do pass. Report adopted.

SB 413, introduced bill, be amended as follows:

1. Title, page 1, line 6.
Strike: "A LEGAL FEDERAL HOLIDAY"
Insert: "CERTAIN FEDERAL HOLIDAYS OR FEDERALLY DECLARED DISASTERS"

2. Page 5, line 20.
Following: "(b)"
Insert: "(i)"
Strike: "legal federal"
Following: "holiday"
Insert: "that defers a filing date as recognized by the Internal Revenue Service and"

3. Page 5.
Following: line 21
Insert: "(ii) The department may extend filing dates and defer or waive interest, penalties, and other effects of late filing for a period not exceeding 1 year for taxpayers affected by a federally declared disaster or a terroristic or military action recognized for federal tax purposes under 26 U.S.C. 7508A."

4. Page 9, line 23.
Following: "(b)"
Insert: "(i)"
Strike: "legal federal"
Following: "holiday"
Insert: "that defers a filing date as recognized by the Internal Revenue Service and"

5. Page 9.
Following: line 24
Insert: "(ii) The department may extend filing dates and defer or waive interest, penalties, and other effects of late filing for a period not exceeding 1 year for taxpayers affected by a federally declared disaster or a terroristic or military action recognized for federal tax purposes under 26 U.S.C. 7508A."

And, as amended, do pass. Report adopted.

HB 107, be amended as follows:

1. Title, line 8.
Following: "PAYMENTS;"
Insert: "PROVIDING FOR AN AUDIT, AFTER NOTICE, OF COAL ROYALTIES PAID TO THE STATE;"

2. Page 1, line 18.
Following: "at"
Strike: "a"
Insert: "the legal"
Strike: "31-1-107"
Insert: "31-1-106"

3. Page 1, line 28.
Insert: "NEW SECTION. **Section 2. Audit -- notice -- action to compel payment.** (1) Except as provided in subsection (2), the department may, within 5 years of the filing of a report pursuant to 77-3-317, commence an audit of a lessee's or former lessee's operation to determine whether the report is complete and accurate and whether all royalties owed have been paid. The department shall notify the lessee in writing of the audit. The notice must describe the period for which the audit is being conducted. Upon conclusion of the audit, the department shall notify the lessee of the department's conclusions and, if the department has determined that additional royalties are owed, the basis for that determination. An action to compel payment of royalties due must be commenced within 2 years of the date of mailing the notice.

(2) If a lessee or former lessee, with intent to evade payment of royalties, purposely or knowingly files a false report or purposely or knowingly fails to pay royalties owed, the department may conduct an audit and file an action to collect royalties at any time after the royalties are due."
Renumber: subsequent sections

4. Page 1, line 29.
Strike: "[Section 1] is"
Insert: "[Sections 1 and 2] are"

5. Page 1, line 30.
Strike: "[section 1]"
Insert: "[sections 1 and 2]"

And, as amended, be concurred in. Report adopted.

MESSAGES FROM THE GOVERNOR

March 23, 2011

The Honorable Jim Peterson
President of the Senate
State Capitol
Helena, Montana 59620

Dear Senator Peterson:

Please be informed that I have signed **Senate Bill 26** sponsored by Senator Blewett, **Senate Bill 41** sponsored by Senator Shockley, **Senate Bill 46** sponsored by Senator Tropila, **Senate Bill 51** sponsored by Senator Tropila, **Senate Bill 53** sponsored by Senator Balyeat, **Senate Bill 60** sponsored by Senator Gillan, **Senate Bill 65** sponsored by Senator Jackson, **Senate Bill 73** sponsored by Senator Murphy, **Senate Bill 95** sponsored by Senator Shockley, and **Senate Bill 152** sponsored by Senator Brown on March 23, 2011.

Sincerely,

BRIAN SCHWEITZER
Governor

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 3/23/2011

HB 9, introduced by Hollenbaugh
HB 10, introduced by Hollenbaugh
HB 15, introduced by Schmidt
HB 51, introduced by Barrett
HB 375, introduced by Cook
HB 533, introduced by Berry

HB 490, introduced by Warburton, requiring adoption by an affirmative roll call vote of two-thirds of all the members of the Legislature, passed the House and was transmitted to the Senate with the following vote:

3/23/2011

Yeas - 65
Nays - 32

HB 574, introduced by Warburton, requiring adoption by an affirmative roll call vote of two-thirds of all the members of the Legislature, passed the House and was transmitted to the Senate with the following vote:

3/23/2011

Yeas - 66
Nays - 31

Senate amendments to House bill concurred in: 3/23/2011

HB 171, introduced by Ingraham

Senate bill concurred in and returned to the Senate: 3/23/2011

SB 351, introduced by Ripley

Senate bill concurred in as amended and returned to the Senate for concurrence in House amendments:

3/23/2011

SB 238, introduced by Blewett

MOTIONS

Senator Essmann moved the Senate reconsider its Third Reading action on **SB 403**.
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Gallus, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke.
Total 28

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 21

Absent or not voting: None.
Total 0

Excused: Mr. President.
Total 1

Senator Essmann moved **SB 403** be moved from third reading to the Finance and Claims committee.
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Gallus, Hawks, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke.
Total 29

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gillan, Hamlett, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 20

Absent or not voting: None.
Total 0

Excused: Mr. President.
Total 1

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 424, introduced by C. Williams, referred to Finance and Claims.
SB 425, introduced by Essmann, referred to Education and Cultural Resources.

The following Senate joint resolution was introduced, read first time, and referred to committee:

SJR 23, introduced by Essmann, referred to Taxation.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Essmann moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Brown in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 328 - Senator Lewis moved consideration of **SB 328** be passed for the day. Without objection, so ordered.

SB 295 - Senator Lake moved consideration of **SB 295** be placed below **HB 342** on the second reading board. Without objection, so ordered.

HB 315 - Senator Essmann moved consideration of **HB 315** and **HB 528** be placed at the bottom of the second reading board for the purpose of amendment. Without objection, so ordered.

HB 90 - Senator Buttrey moved **HB 90** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Ripley, Shockley, Steinbeisser,

Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke.
Total 41

Nays: Balyeat, Hinkle, Olson, Priest, Sonju, Vincent, Walker, Wittich.
Total 8

Absent or not voting: None.
Total 0

Excused: Mr. President.
Total 1

SB 319 - Senator Essmann moved **SB 319** do pass.

SB 319 - Senator Blewett moved **SB 319**, second reading copy, be amended as follows:

1. Title, page 1, line 6.
Strike: "LIMITING" through "TECHNICIANS;"

2. Page 1, line 29 through page 2, line 2.
Strike: section 3 in its entirety
Renumber: subsequent sections

3. Page 2, line 25 through line 26.
Strike: section 5 in its entirety
Renumber: subsequent sections

Amendment adopted as follows:
Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brown, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Larsen, Lewis, Moss, Mowbray, Olson, Priest, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Wittich.
Total 35

Nays: Balyeat, Brenden, Buttrey, Caferro, Hinkle, Lake, Moore, Murphy, Ripley, Sonju, Tutvedt, Vincent, Walker, Zinke.
Total 14

Absent or not voting: None.
Total 0

Excused: Mr. President.
Total 1

SB 319 - Senator Essmann moved **SB 319**, as amended, do pass. Motion carried as follows:
Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Olson, Ripley, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke.
Total 39

Nays: Balyeat, Hinkle, Hutton, Murphy, Priest, Shockley, Sonju, Vincent, Walker, Wittich.
Total 10

Absent or not voting: None.
Total 0

Excused: Mr. President.
Total 1

SB 402 - Senator Balyeat moved **SB 402** do pass. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Larsen, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Wittich, Zinke.
Total 44

Nays: Erickson, Kaufmann, Moss, Williams, Windy Boy.
Total 5

Absent or not voting: None.
Total 0

Excused: Mr. President.
Total 1

SJR 17 - Senator Tutvedt moved **SJR 17** be adopted. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Mr. President.
Total 1

HB 77 - Senator Blewett moved **HB 77** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Mr. President.
Total 1

HB 116 - Senator Balyeat moved **HB 116** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke.
Total 48

Nays: Jackson.
Total 1

Absent or not voting: None.
Total 0

Excused: Mr. President.
Total 1

HB 131 - Senator Jent moved **HB 131** be concurred in.

HB 131 - Senator Jent moved consideration of **HB 131** be passed for the day. Motion carried.

HB 255 - Senator Windy Boy moved **HB 255** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Mr. President.
Total 1

HB 256 - Senator Arthun moved **HB 256** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Mr. President.
Total 1

HB 336 - Senator Facey moved **HB 336** be concurred in. Motion carried as follows:

Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 43

Nays: Balyeat, Brenden, Vincent, Walker, Wittich, Zinke.
Total 6

Absent or not voting: None.
Total 0

Excused: Mr. President.
Total 1

HB 342 - Senator Tutvedt moved consideration of **HB 342** be passed for the day. Without objection, so ordered.

SB 295 - Senator Lake moved **SB 295** do pass.

SB 295 - Senator Kaufmann moved **SB 295**, second reading copy, be amended as follows:

1. Title, page 1, line 11.
Following: "CERTIFICATE;"
Insert: "ALLOWING PARTIAL DISCLOSURE OF CERTAIN REAL ESTATE SALES SUBJECT TO THE REALTY TRANSFER CERTIFICATE;"

2. Title, page 1, line 13.
Following: "15-7-307,"
Insert: "15-7-308,"

3. Page 5, line 7.
Insert: "Section 3. Section 15-7-308, MCA, is amended to read:

"15-7-308. Disclosure of information restricted -- exceptions. (1) Except as provided in subsection (2), the certificate required by this part and the information contained in the certificate is not a public record and must be held confidential by the county clerk and recorder and the department. This is because the legislature finds that the demands of individual privacy outweigh the merits of public disclosure. The confidentiality provisions do not apply to compilations from the certificates or to summaries, analyses, and evaluations based upon the compilations.

(2) The confidentiality provisions of this section do not apply to:

(a) the information contained in the water right ownership update form or any other form prepared and filed with the department of natural resources and conservation pursuant to 85-2-424 for purposes of maintaining a system of centralized water right records as mandated by Article IX, section 3(4), of the Montana constitution. A person may access water right transfer information through the department of natural resources and conservation pursuant to the department's implementation of the requirements of 85-2-112(3).

(b) the property address, the legal property description, and the actual sales price listed on the realty transfer certificate for class four residential and commercial property as described in 15-6-134(1)(e) through (1)(g)."""
Renumber: subsequent section

Amendment **not** adopted as follows:
Yeas: Augare, Blewett, Branae, Caferro, Erickson, Essmann, Facey, Gillan, Hawks, Jent,

Kaufmann, Larsen, Moss, Priest, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Wittich.
Total 22

Nays: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Gallus, Hamlett, Hinkle, Hutton, Jackson, Jones, Keane, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Zinke.
Total 27

Absent or not voting: None.
Total 0

Excused: Mr. President.
Total 1

SB 295 - Thereupon, the Senate reverted to the original motion of Senator Lake which carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tropila, Tutvedt, Van Dyk, Vincent, Walker, Wanzenried, Williams, Wittich, Zinke.
Total 46

Nays: Stewart-Peregoy, Vuckovich, Windy Boy.
Total 3

Absent or not voting: None.
Total 0

Excused: Mr. President.
Total 1

HB 575 - Senator Tutvedt moved **HB 575** be concurred in.

HB 575 - Senator Wittich moved **HB 575**, second reading copy, be amended as follows:

1. Page 4, line 9 through line 11.
Following: "county" on line 9
Insert: "."
Strike: "from" on line 9 through "in order" on line 11
Insert: "If requested by the county, the municipality shall consult with the county governing body or its representatives"

Amendment adopted as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Mr. President.
Total 1

HB 575 - Senator Tutvedt moved **HB 575**, as amended, be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Mr. President.
Total 1

HJR 19 - Senator Larsen moved **HJR 19** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Mr. President.
Total 1

Senator Sonju assumed the chair.

HB 315 - Senator Brown moved **HB 315** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Branae, Brenden, Brown, Buttrey, Erickson, Essmann, Facey, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Shockley, Steinbeisser, Tropila, Tutvedt, Van Dyk, Vuckovich.
Total 34

Nays: Blewett, Caferro, Gallus, Gillan, Keane, Ripley, Sonju, Stewart-Peregoy, Vincent, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke.
Total 15

Absent or not voting: None.
Total 0

Excused: Mr. President.
Total 1

HB 528 - Senator Brown moved **HB 528** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Blewett, Branae, Brown, Buttrey, Erickson, Essmann, Facey, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Larsen, Moore, Moss, Mowbray, Murphy, Priest, Ripley, Shockley, Sonju, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Wanzenried, Williams.
Total 32

Nays: Balyeat, Barrett, Brenden, Caferro, Gallus, Hinkle, Keane, Lake, Lewis, Olson, Steinbeisser, Vincent, Vuckovich, Walker, Windy Boy, Wittich, Zinke.
Total 17

Absent or not voting: None.
Total 0

Excused: Mr. President.
Total 1

Senator Essmann moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Peterson in the chair. Chairman Brown moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Walker, Wanzenried, Williams, Wittich.
Total 44

Nays: Brenden, Keane, Vuckovich, Windy Boy, Zinke.
Total 5

Absent or not voting: None.
Total 0

Excused: Mr. President.
Total 1

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 343 passed as follows:
Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Walker, Wanzenried, Williams, Wittich, Zinke.
Total 45

Nays: Balyeat, Keane, Vuckovich, Windy Boy.
Total 4

Absent or not voting: None.
Total 0

Excused: Mr. President.
Total 1

HB 25 concurred in as follows:
Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Murphy, Olson, Priest, Ripley, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 40

Nays: Balyeat, Hinkle, Hutton, Mowbray, Sonju, Vincent, Walker, Wittich, Zinke.
Total 9

Absent or not voting: None.
Total 0

Excused: Mr. President.
Total 1

HB 142 concurred in as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Zinke.
Total 48

Nays: Wittich.
Total 1

Absent or not voting: None.
Total 0

Excused: Mr. President.
Total 1

HB 212 concurred in as follows:
Yeas: Augare, Barrett, Blewett, Branae, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke.
Total 41

Nays: Arthun, Balyeat, Brenden, Gallus, Hinkle, Sonju, Walker, Wittich.
Total 8

Absent or not voting: None.
Total 0

Excused: Mr. President.
Total 1

HB 338 concurred in as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro,

Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Mr. President.
Total 1

HB 403 concurred in as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Zinke.
Total 45

Nays: Gallus, Ripley, Windy Boy, Wittich.
Total 4

Absent or not voting: None.
Total 0

Excused: Mr. President.
Total 1

HB 428 concurred in as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Mr. President.
Total 1

HB 467 concurred in as follows:
Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Windy Boy, Wittich, Zinke.
Total 45

Nays: Balyeat, Hinkle, Shockley, Walker.
Total 4

Absent or not voting: None.
Total 0

Excused: Mr. President.
Total 1

HB 469 concurred in as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Mr. President.
Total 1

HB 479 concurred in as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Gallus, Hamlett, Hinkle, Hutton, Jackson, Jones, Keane, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke.
Total 29

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gillan, Hawks, Jent, Kaufmann, Larsen, Moss, Priest, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams,

Windy Boy.
Total 20

Absent or not voting: None.
Total 0

Excused: Mr. President.
Total 1

HB 541 concurred in as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Mr. President.
Total 1

HB 584 concurred in as follows:
Yeas: Augare, Blewett, Branae, Brown, Buttrey, Caferro, Erickson, Essmann, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Larsen, Lewis, Moss, Mowbray, Olson, Shockley, Sonju, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Wittich.
Total 34

Nays: Arthun, Balyeat, Barrett, Brenden, Facey, Hinkle, Lake, Moore, Murphy, Priest, Ripley, Steinbeisser, Stewart-Peregoy, Windy Boy, Zinke.
Total 15

Absent or not voting: None.
Total 0

Excused: Mr. President.
Total 1

REPORTS OF STANDING COMMITTEES

STATE ADMINISTRATION (Shockley, Chairman): 3/24/2011
SB 397, introduced bill, be amended as follows:

1. Title, page 1, line 5.
Strike: "ELECTION MATERIAL"
Insert: "CAMPAIGN ADVERTISING"

2. Title, page 1, line 7.
Strike: "SECTION"
Insert: "SECTIONS 2-2-121, 13-1-101,"

3. Page 1, line 7.
Following: "13-35-225,"
Insert: "AND 13-37-226,"

4. Page 1, line 11.
Strike: "materials"
Insert: "campaign advertising"

5. Page 1, line 13.
Strike: "election materials violate"
Insert: "campaign advertising violates"

6. Page 1, line 14.
Strike: "election material"
Insert: "campaign advertising"

7. Page 1, line 22.
Following: line 21
Insert: "(3) An order of noncompliance issued under 13-35-225(6) is not subject to immediate judicial review."
Renumber: subsequent subsections

8. Page 1, line 25.
Insert: "Section 2. Section 2-2-121, MCA, is amended to read:

"2-2-121. Rules of conduct for public officers and public employees. (1) Proof of commission of any act enumerated in subsection (2) is proof that the actor has breached a public duty.

(2) A public officer or a public employee may not:

(a) subject to subsection (7), use public time, facilities, equipment, supplies, personnel, or funds for the officer's or employee's private business purposes;

(b) engage in a substantial financial transaction for the officer's or employee's private business purposes with a person whom the officer or employee inspects or supervises in the course of official duties;

(c) assist any person for a fee or other compensation in obtaining a contract, claim, license, or other economic benefit from the officer's or employee's agency;

(d) assist any person for a contingent fee in obtaining a contract, claim, license, or other economic benefit from any agency;

(e) perform an official act directly and substantially affecting to its economic benefit a business or other undertaking in which the officer or employee either has a substantial financial interest or is engaged as counsel, consultant, representative, or agent; or

(f) solicit or accept employment, or engage in negotiations or meetings to consider employment, with a person whom the officer or employee regulates in the course of official duties without first giving written notification to the officer's or employee's supervisor and department director.

(3) (a) Except as provided in subsection (3)(b), a public officer or public employee may not use public time, facilities, equipment, supplies, personnel, or funds to solicit support for or opposition to any political committee, the nomination or election of any person to public office, or the passage of a ballot issue unless the use is:

(i) authorized by law; or

(ii) properly incidental to another activity required or authorized by law, such as the function of an elected public officer, the officer's staff, or the legislative staff in the normal course of duties.

(b) As used in this subsection (3), "properly incidental to another activity required or authorized by law" does not include any activities related to solicitation of support for or opposition to the nomination or election of a person to public office or political committees organized to support or oppose a candidate or candidates for public office. With respect to ballot issues, properly incidental activities are restricted to:

(i) the activities of a public officer, the public officer's staff, or legislative staff related to determining the impact of passage or failure of a ballot issue on state or local government operations;

(ii) in the case of a school district, as defined in Title 20, chapter 6, compliance with the requirements of law governing public meetings of the local board of trustees, including the resulting dissemination of information by a board of trustees or a school superintendent or a designated employee in a district with no superintendent in support of or opposition to a bond issue or levy submitted to the electors. Public funds may not be expended for any form of commercial advertising in support of or opposition to a bond issue or levy submitted to the electors.

(c) This subsection (3) is not intended to restrict the right of a public officer or public employee to express personal political views.

(4) A candidate, as defined in ~~13-1-101(6)(a)~~ 13-1-101(7)(a), may not use or permit the use of state funds for any advertisement or public service announcement in a newspaper, on radio, or on television that contains the candidate's name, picture, or voice except in the case of a state or national emergency and then only if the announcement is reasonably necessary to the candidate's official functions.

(5) A public officer or public employee may not participate in a proceeding when an organization, other than an organization or association of local government officials, of which the public officer or public employee is an officer or director is:

(a) involved in a proceeding before the employing agency that is within the scope of the public officer's or public employee's job duties; or

(b) attempting to influence a local, state, or federal proceeding in which the public officer or public employee represents the state or local government.

(6) A public officer or public employee may not engage in any activity, including lobbying, as defined in 5-7-102, on behalf of an organization, other than an organization or association of local government officials, of which the public officer or public employee is a member while performing the public officer's or public employee's job duties. The provisions of this subsection do not prohibit a public officer or public employee from performing charitable fundraising activities if approved by the public officer's or public employee's supervisor or authorized by law.

(7) A listing by a public officer or a public employee in the electronic directory provided for in 30-17-101 of any product created outside of work in a public agency is not in violation of subsection (2)(a) of this section. The public officer or public employee may not make arrangements for the listing in the electronic directory during work hours.

(8) A department head or a member of a quasi-judicial or rulemaking board may perform an official act notwithstanding the provisions of subsection (2)(e) if participation is necessary to the administration of a statute and if the person complies with the disclosure procedures under 2-2-131.

(9) Subsection (2)(d) does not apply to a member of a board, commission, council, or committee unless the member is also a full-time public employee.

(10) Subsections (2)(b) and (2)(e) do not prevent a member of the governing body of a local government from performing an official act when the member's participation is necessary to obtain a quorum or to otherwise enable the body to act. The member shall disclose the interest creating the appearance of impropriety prior to performing the official act.""

Insert: "Section 3. Section 13-1-101, MCA, is amended to read:

"13-1-101. Definitions. As used in this title, unless the context clearly indicates otherwise, the following definitions apply:

(1) "Active elector" means an elector whose name has not been placed on the inactive list due to failure to respond to confirmation notices pursuant to 13-2-220 or 13-19-313.

(2) "Active list" means a list of active electors maintained pursuant to 13-2-220.

(3) "Anything of value" means any goods that have a certain utility to the recipient that is real and that is ordinarily not given away free but is purchased.

(4) "Application for voter registration" means a voter registration form prescribed by the secretary of state that is completed and signed by an elector, submitted to the election administrator, and contains voter registration information subject to verification as provided by law.

(5) "Ballot" means a paper ballot counted manually or a paper ballot counted by a machine, such as an optical scan system or other technology that automatically tabulates votes cast by processing the paper ballots.

(6) "Campaign advertising" means a communication that:

(a) supports or opposes a candidate, a ballot issue, or a committee organized to support

or oppose a candidate, ballot issue, or petition for nomination;

(b) is disseminated or targeted to more than 1% of the electors eligible to vote for a particular candidate or on a ballot issue; and

(c) is made or financed by expenditures in a total amount exceeding:

(i) for advertising identifying political parties, statewide candidates, or a ballot issue, the individual contribution limit amount provided by 13-37-216 for statewide candidates other than the candidates for governor or lieutenant governor; or

(ii) for advertising identifying other candidates, the contribution limit amount provided by 13-37-216 for a candidate for any other public office.

~~(6)~~(7) "Candidate" means:

(a) an individual who has filed a declaration or petition for nomination, acceptance of nomination, or appointment as a candidate for public office as required by law;

(b) for the purposes of chapter 35, 36, or 37, an individual who has solicited or received and retained contributions, made expenditures, or given consent to an individual, organization, political party, or committee to solicit or receive and retain contributions or make expenditures on the individual's behalf to secure nomination or election to any office at any time, whether or not the office for which the individual will seek nomination or election is known when the:

(i) solicitation is made;

(ii) contribution is received and retained; or

(iii) expenditure is made; or

(c) an officeholder who is the subject of a recall election.

~~(7)~~(8) (a) "Contribution" means:

(i) an advance, gift, loan, conveyance, deposit, payment, or distribution of money or anything of value to influence an election;

(ii) a transfer of funds between political committees;

(iii) the payment by a person other than a candidate or political committee of compensation for the personal services of another person that are rendered to a candidate or political committee.

(b) "Contribution" does not mean:

(i) services provided without compensation by individuals volunteering a portion or all of their time on behalf of a candidate or political committee or meals and lodging provided by individuals in their private residences for a candidate or other individual;

(ii) the cost of any bona fide news story, commentary, or editorial distributed through the facilities of any broadcasting station, newspaper, magazine, or other periodical publication of general circulation;

(iii) the cost of any communication by any membership organization or corporation to its members or stockholders or employees; or

(iv) filing fees paid by the candidate.

~~(8)~~(9) "Election" means a general, regular, special, or primary election held pursuant to the requirements of state law, regardless of the time or purpose.

~~(9)~~(10) "Election administrator" means the county clerk and recorder or the individual designated by a county governing body to be responsible for all election administration duties, except that with regard to school elections not administered by the county, the term means the school district clerk.

~~(10)~~(11) "Elector" means an individual qualified to vote under state law.

~~(11)~~(12) (a) "Expenditure" means a purchase, payment, distribution, loan, advance,

promise, pledge, or gift of money or anything of value made for the purpose of influencing the results of an election.

(b) "Expenditure" does not mean:

(i) services, food, or lodging provided in a manner that they are not contributions under subsection ~~(7)~~ (8);

(ii) payments by a candidate for a filing fee or for personal travel expenses, food, clothing, lodging, or personal necessities for the candidate and the candidate's family;

(iii) the cost of any bona fide news story, commentary, or editorial distributed through the facilities of any broadcasting station, newspaper, magazine, or other periodical publication of general circulation; or

(iv) the cost of any communication by any membership organization or corporation to its members or stockholders or employees.

~~(12)~~(13) "Federal election" means a general or primary election in which an elector may vote for individuals for the office of president of the United States or for the United States congress.

~~(13)~~(14) "General election" or "regular election" means an election held for the election of public officers throughout the state at times specified by law, including elections for officers of political subdivisions when the time of the election is set on the same date for all similar political subdivisions in the state. For ballot issues required by Article III, section 6, or Article XIV, section 8, of the Montana constitution to be submitted by the legislature to the electors at a general election, "general election" means an election held at the time provided in 13-1-104(1). For ballot issues required by Article XIV, section 9, of the Montana constitution to be submitted as a constitutional initiative at a regular election, regular election means an election held at the time provided in 13-1-104(1).

~~(14)~~(15) "Inactive elector" means an individual who failed to respond to confirmation notices and whose name was placed on the inactive list pursuant to 13-2-220 or 13-19-313.

~~(15)~~(16) "Inactive list" means a list of inactive electors maintained pursuant to 13-2-220 or 13-19-313.

~~(16)~~(17) "Individual" means a human being.

~~(17)~~(18) (a) "Issue" or "ballot issue" means a proposal submitted to the people at an election for their approval or rejection, including but not limited to initiatives, referenda, proposed constitutional amendments, recall questions, school levy questions, bond issue questions, or a ballot question.

(b) For the purposes of chapters 35 and 37, an issue becomes a "ballot issue" upon certification by the proper official that the legal procedure necessary for its qualification and placement upon the ballot has been completed, except that a statewide issue becomes a "ballot issue" upon preparation and transmission by the secretary of state of the form of the petition or referral to the person who submitted the proposed issue.

~~(18)~~(19) "Legally registered elector" means an individual whose application for voter registration was accepted, processed, and verified as provided by law.

~~(19)~~(20) "Mail ballot election" means any election that is conducted under Title 13, chapter 19, by mailing ballots to all active electors.

~~(20)~~(21) "Person" means an individual, corporation, association, firm, partnership, cooperative, committee, club, union, or other organization or group of individuals or a candidate as defined in subsection (6).

~~(21)~~(22) "Place of deposit" means a location designated by the election administrator pursuant to 13-19-307 for a mail ballot election conducted under Title 13, chapter 19.

~~(22)~~(23) "Political committee" means a combination of two or more individuals or a person other than an individual who makes a contribution or expenditure:

(a) to support or oppose a candidate or a committee organized to support or oppose a candidate or a petition for nomination; or

(b) to support or oppose a ballot issue or a committee organized to support or oppose a ballot issue; or

(c) as an earmarked contribution.

~~(23)~~(24) "Political subdivision" means a county, consolidated municipal-county government, municipality, special district, or any other unit of government, except school districts, having authority to hold an election for officers or on a ballot issue.

~~(24)~~(25) "Polling place election" means an election primarily conducted at polling places rather than by mail under the provisions of Title 13, chapter 19.

~~(25)~~(26) "Primary" or "primary election" means an election held throughout the state to nominate candidates for public office at times specified by law, including nominations of candidates for offices of political subdivisions when the time for nominations is set on the same date for all similar subdivisions in the state.

~~(26)~~(27) "Provisional ballot" means a ballot cast by an elector whose identity or eligibility to vote has not been verified as provided by law.

~~(27)~~(28) "Provisionally registered elector" means an individual whose application for voter registration was accepted but whose identity or eligibility has not yet been verified as provided by law.

~~(28)~~(29) "Public office" means a state, county, municipal, school, or other district office that is filled by the people at an election.

~~(29)~~(30) "Random-sample audit" means an audit involving a manual count of ballots from designated races and ballot issues in precincts selected through a random process as provided in 13-17-503.

~~(30)~~(31) "Registrar" means the county election administrator and any regularly appointed deputy or assistant election administrator.

~~(31)~~(32) "Special election" means an election other than a statutorily scheduled primary or general election held at any time for any purpose provided by law. It may be held in conjunction with a statutorily scheduled election.

~~(32)~~(33) "Statewide voter registration list" means the voter registration list established and maintained pursuant to 13-2-107 and 13-2-108.

~~(33)~~(34) "Transfer form" means a form prescribed by the secretary of state that may be filled out by an elector to transfer the elector's registration when the elector's residence address has changed within the county.

~~(34)~~(35) "Valid vote" means a vote that has been counted as valid or determined to be valid as provided in 13-15-206.

~~(35)~~(36) "Voted ballot" means a ballot that is:

(a) deposited in the ballot box at a polling place;

(b) received at the election administrator's office; or

(c) returned to a place of deposit.

~~(36)~~(37) "Voting system" or "system" means any machine, device, technology, or equipment used to automatically record, tabulate, or process the vote of an elector cast on a paper ballot.""
Renumber: subsequent sections

9. Page 1, line 27.
Strike: "Election materials"
Insert: "Campaign advertising"

10. Page 1, line 28 and line 29.
Strike: "All" on line 28 through "issue" on line 29
Insert: "Campaign advertising"

11. Page 2, line 2.
Strike: "communication"
Insert: "campaign advertising"
Strike: "When"
Insert: "The attribution must contain:
(a) for campaign advertising financed by"
Following: "campaign"
Insert: ","

12. Page 2, line 3.
Strike: "finances" through "be"

13. Page 2, line 4.
Following: "campaign"
Strike: "."
Insert: "; and"
Strike: "In the case of"
Insert: "(b) for campaign advertising financed by"

14. Page 2, line 4 through line 5.
Strike: "the attribution" on line 4 through "treasurer," on line 5
Insert: "the name"
Strike: "or the committee treasurer"

15. Page 2, line 6.
Strike: "Communications"
Insert: "Campaign advertising"

16. Page 2, line 8.
Strike: "Printed election material"
Insert: "Campaign advertising"

17. Page 2, line 16.
Strike: "election material"
Insert: "campaign advertising"

18. Page 2, line 18.
Strike: "communication"
Insert: "campaign advertising"
Strike: "election material"
Insert: "campaign advertising"

19. Page 2, line 21.
Strike: "the material"

20. Page 2, line 22.
Strike: "communication"
Insert: "campaign advertising"

21. Page 2, line 25.
Strike: "the material"

22. Page 2, line 26.
Strike: "communication"
Insert: "campaign advertising"

23. Page 2, line 29.
Strike: "material"
Insert: "campaign advertising"

24. Page 2, line 30.
Strike: "communication"
Insert: "campaign advertising"

25. Page 3, line 1.
Strike: "election material"
Insert: "campaign advertising"

26. Page 3, line 2.
Strike: "material"
Insert: "campaign advertising"
Following: "opportunity"
Insert: ", as defined by rule,"

27. Page 3, line 3.
Strike: the first "material"
Insert: "campaign advertising"

Strike: the second "material"
Insert: "campaign advertising"

28. Page 3, line 6.
Insert: "Section 5. Section 13-37-226, MCA, is amended to read:

"13-37-226. Time for filing reports. (1) Candidates for a state office filled by a statewide vote of all the electors of Montana and political committees that are organized to support or oppose a particular statewide candidate shall file reports electronically as follows:

(a) quarterly, due on the fifth day following a calendar quarter, beginning with the calendar quarter in which funds are received or expended during the year or years prior to the election year that the candidate expects to be on the ballot;

(b) on the 10th day of March, April, July, August, and September;

(c) on the 15th and 5th days preceding the date on which an election is held;

(d) within 24 hours after receiving a contribution of $200 or more if received between the 10th day before the election and the day of the election;

(e) not more than 20 days after the date of the election; and

(f) on the 10th day of March and September of each year following an election until the candidate or political committee files a closing report as specified in 13-37-228(3).

(2) Political committees organized to support or oppose a particular statewide ballot issue shall file reports:

(a) quarterly, due on the fifth day following a calendar quarter, beginning with the calendar quarter in which the text of the proposed ballot issue is submitted for review and approval pursuant to 13-27-202 during the year or years prior to the election year that an issue is or is expected to be on the ballot;

(b) on the 10th day of March and on the 10th day of each subsequent month through September in each year that an election is to be held;

(c) on the 15th and 5th days preceding the date on which an election is held;

(d) within 24 hours after receiving a contribution of $500 or more if received between the 10th day before the election and the day of the election;

(e) within 20 days after the election; and

(f) on the 10th day of March and September of each year following an election until the political committee files a closing report as specified in 13-37-228(3).

(3) Candidates for a state district office, including but not limited to candidates for the legislature, the public service commission, or a district court judge, and political committees that are specifically organized to support or oppose a particular state district candidate or issue shall file reports:

(a) on the 12th day preceding the date on which an election is held;

(b) within 48 hours after receiving a contribution of $100 or more if received between the 17th day before the election and the day of the election. The report under this subsection (3)(b) must be made by mail or by electronic communication to the commissioner and the election administrator of the appropriate county pursuant to 13-37-225.

(c) not more than 20 days after the date of the election; and

(d) whenever a candidate or political committee files a closing report as specified in 13-37-228(3).

(4) Candidates for any other public office and political committees that are specifically organized to support or oppose a particular local issue shall file the reports specified in subsection (3) only if the total amount of contributions received or the total amount of funds expended for all elections in a campaign, excluding the filing fee paid by the candidate, exceeds $500, except as provided in 13-37-206.

(5) For the purposes of this subsection, a committee that is not specifically organized to support or oppose a particular candidate or ballot issue and that receives contributions and makes expenditures in conjunction with an election is an independent committee. For the purpose of reporting, a political party committee is an independent committee. An independent committee shall file:

(a) a report on the 12th day preceding the date of an election in which it participates by making an expenditure;

(b) a report within 24 hours of making an expenditure or incurring a debt or obligation of $500 or more for ~~election material~~ campaign advertising described in 13-35-225(1) if made between the 17th day before the election and the day of the election;

(c) a report not more than 20 days after the date of the election in which it participates by making an expenditure; and

(d) a report on a date to be prescribed by the commissioner for a closing report at the close of each calendar year.

(6) The commissioner may promulgate rules regarding the extent to which organizations that are incidental political committees shall report their politically related activities in accordance with this chapter.

(7) Except as provided in subsections (1)(d), (2)(d), (3)(b), and (5)(b), all reports required by this section must be complete as of the fifth day before the date of filing as specified in 13-37-228(2) and this section.""

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

HB 310, be amended as follows:

1. Title, page 1, line 12.
Following: "DATE"
Insert: "AND AN APPLICABILITY DATE"

2. Page 2, line 18.
Strike: "for and against"
Insert: "yes and no"

3. Page 3, line 11.
Strike: "For and against"
Insert: "Yes and no"

4. Page 4, line 11.
Strike: "For and against"
Insert: "Yes and no"

5. Page 5, line 15.
Strike: "For and against"
Insert: "Yes and no"

6. Page 6, line 15.
Strike: "For and against"
Insert: "Yes and no"

7. Page 7, line 15.
Strike: "for and against"
Insert: "yes and no"

8. Page 7, line 28.
Strike: "for and against"
Insert: "yes and no"

9. Page 8, line 1.
Strike: "FOR"
Insert: "YES"

10. Page 8, line 3.
Strike: "AGAINST"
Insert: "NO"

11. Page 9, line 14.
Strike: "for and against"
Insert: "yes and no"

12. Page 9, line 27.
Following: line 26
Insert: "NEW SECTION. **Section 10. Applicability.** [This act] applies to initiatives placed on the ballot for the November 2012 or subsequent elections and to referenda placed on the ballot for the November 2014 or subsequent elections."

And, as amended, be concurred in. Report adopted.

TAXATION (Tutvedt, Chairman): 3/24/2011
SB 94, introduced bill, be amended as follows:

1. Title, line 7.
Strike: "PREVENTING" through "COMPANIES;"

2. Title, page 1, lines 9 and 10.
Following: "15-31-323," on line 9
Insert: "AND"
Strike: "AND 15-31-326," on lines 9 and 10

3. Page 1, line 23.
Following: "~~States~~"
Insert: "that has more than 20% of its payroll and property assignable to locations inside the United States"

4. Page 2, line 5.
Following: "~~or~~"
Insert: "or"

5. Page 2, line 6 through line 9.
Strike: subsection (f) in its entirety
Renumber: subsequent subsections

6. Page 2, line 18.
Strike: "(1)(g)"
Insert: "(1)(f)"

7. Page 2, line 25.
Strike: "(1)(f)"
Insert: "(1)(e)"

8. Page 2, line 29.
Strike: "(1)(g)"
Insert: "(1)(f)"

9. Page 3, line 9.
Strike: "(1)(g)"
Insert: "(1)(f)"

10. Page 3, line 17.
Strike: "(1)(g)"
Insert: "(1)(f)"

11. Page 3, line 20.
Strike: ",(1)(f), "

12. Page 3, line 24 through page 4, line 1.
Strike: section 4 in its entirety
Renumber: subsequent sections

And, as amended, do pass. Report adopted.

SB 411, introduced bill, be amended as follows:

1. Page 1, line 18 through line 20.
Strike: "In" on line 18 through "taxpayer." on line 20
Insert: "When the department enters into a payment plan with a taxpayer that allows the taxpayer to make installment payments of delinquent taxes, interest, and penalties, the department may agree to waive an additional $100 of interest per tax period if the taxpayer makes each payment required by the plan on or before the due date of the payment and complies in a timely manner with all other terms of the payment plan."

2. Page 2, line 21.
Strike: "(a)"

3. Page 2, line 23.
Strike: "late payment"

4. Page 2, line 26.
Strike: "(b)"
Insert: "(4)"
Following: "liable for"
Strike: "a"
Insert: "an additional"

5. Page 2, line 28.
Following: "penalty"
Insert: ", interest,"

6. Page 2, line 29.
Strike: "(c)"
Insert: "(5)"

7. Page 2, line 30.
Following: "is one"
Insert: "that is filed by a person"

8. Page 3, line 3.
Following: "penalty"
Insert: ", interest,"

9. Page 3, line 4.
Strike: "(4)"
Insert: "(6)"
Renumber: subsequent subsections

10. Page 3, line 5.
Strike: "(4)(a)(i)"
Insert: "(6)(a)(i)"

11. Page 3, line 6.
Strike: "(4)(a)"
Insert: "(6)(a)"

12. Page 3, line 17.
Strike: "(5)(b)"
Insert: "(7)(b)"

13. Page 3, line 29.
Strike: "(4)(a)(i)"
Insert: "(6)(a)(i)"
Strike: "(5)(a)"
Insert: "(7)(a)"

14. Page 4, line 1.
Insert: "COORDINATION SECTION. **Section 3. Coordination instruction.** If Senate Bill No. 199 is not passed and approved, then [this act] is void."
Renumber: subsequent sections

And, as amended, do pass. Report adopted.

FIRST READING AND COMMITMENT OF BILLS

The following Senate bill was introduced, read first time, and referred to committee:

SB 426, introduced by Balyeat, referred to Taxation.

The following Senate joint resolution was introduced, read first time, and referred to committee:

SJR 24, introduced by Shockley, referred to State Administration.

The following Senate resolution was introduced, read first time, and referred to committee:

SR 4, introduced by Steinbeisser (by request of the Senate Agriculture, Livestock, and Irrigation Standing Committee), referred to Agriculture, Livestock and Irrigation.

ANNOUNCEMENTS

Committee meetings were announced by Committee chairs.

Senator Essmann moved the Senate recess until 5:30 p.m. Motion carried.

Senate in recess.

Senate reconvened at 5:31 p.m.

Roll Call. All members present, except Senator Vincent, excused. Quorum present.

FIRST READING AND COMMITMENT OF BILLS

The following Senate bill was introduced, read first time, and referred to committee:

SB 427, introduced by Priest, referred to Taxation.

Senator Vincent present.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Essmann moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Tropila in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 43 - Senator Moore moved **HB 43** be concurred in. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Facey, Hamlett, Hinkle, Hutton, Jackson, Jent, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Van Dyk, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 32

Nays: Augare, Blewett, Branae, Caferro, Erickson, Gallus, Gillan, Hawks, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 18

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 134 - Senator Balyeat moved **HB 134** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent,

Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 225 - Senator Wittich moved **HB 225** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Windy Boy, Wittich, Zinke, Mr. President.
Total 48

Nays: Larsen, Williams.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 328 - Senator Lewis moved **HB 328** be concurred in. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 26

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Murphy, Olson, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 24

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Essmann moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Peterson in the chair. Chairman Tropila moved the Committee of the Whole report be adopted. Report adopted as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Gallus, Hamlett, Hinkle, Hutton, Jackson, Jones, Lake, Larsen, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tropila, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 32

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gillan, Hawks, Jent, Kaufmann, Keane, Moss, Stewart-Peregoy, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 18

Absent or not voting: None.
Total 0

Excused: None.
Total 0

REPORTS OF STANDING COMMITTEES

AGRICULTURE, LIVESTOCK AND IRRIGATION (Steinbeisser, Chairman): 3/24/2011
HB 132, be amended as follows:

1. Page 8, line 8.
Strike: "1,200-pound"
Insert: "1,000-pound"

And, as amended, be concurred in. Report adopted.

HIGHWAYS AND TRANSPORTATION (Jones, Chairman): 3/24/2011
HB 195, be concurred in. Report adopted.
HB 265, be amended as follows:

1. Title, page 1, line 5.
Strike: "AND ARBITRARILY"

2. Page 1, line 20.
Strike: "and arbitrarily"

And, as amended, be concurred in. Report adopted.

HB 594, be concurred in. Report adopted.

Senator Gallus raised a point of parliamentary procedure question regarding whether the Standing Committee Report on **SB 403** could be read across the rostrum.

Senate in recess.

Senate reconvened.

President Peterson ruled the Standing Committee Report would be read the next day.

Senator Wanzenried questioned whether a hearing was held on **SB 403**. President Peterson noted Senator Wanzenried's objection and ruled a hearing was held on **SB 403**.

FIRST READING AND COMMITMENT OF BILLS

The following Senate bill was introduced, read first time, and referred to committee:

SB 428, introduced by Kaufmann, referred to Education and Cultural Resources.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Essmann moved that the Senate adjourn until 12:00 p.m., Friday, March 25, 2011. Motion carried.

Senate adjourned at 7:24 p.m.

MARILYN MILLER
Secretary of the Senate

JIM PETERSON
President of the Senate

SENATE JOURNAL
62ND LEGISLATURE
SIXTY-SEVENTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
March 25, 2011 — State Capitol

Senate convened at 12:00 p.m. President Peterson presiding. Invocation by Senator Hutton. Pledge of Allegiance to the Flag. Roll Call. All members present, except Senator Keane, excused. Quorum present.

BILLS AND JOURNALS: 3/25/2011

Correctly printed: **SB 295**, **SB 328**, **SB 402**, **SJR 17**, **HB 43**, **HB 90**, **HB 102**, **HB 116**, **HB 134**, **HB 185**, **HB 195**, **HB 225**, **HB 256**, **HB 269**, **HB 336**, **HB 431**, **HB 464**, **HB 480**, **HB 487**, **HB 594**, **HJR 19**.
Correctly engrossed: **SB 94**, **SB 319**, **SB 397**, **SB 406**, **SB 411**, **SB 413**, **HB 12**, **HB 69**, **HB 77**, **HB 91**, **HB 106**, **HB 107**, **HB 152**, **HB 167**, **HB 255**, **HB 275**, **HB 279**, **HB 297**, **HB 310**, **HB 315**, **HB 408**, **HB 528**, **HB 575**.

Mr. President: We, your committee on Bills and Journals, having examined the daily journals for the fifty-first, fifty-second, fifty-third, fifty-fourth, and fifty-fifth legislative days, find the same to be correct.

Senator Brown, Chair

REPORTS OF STANDING COMMITTEES

ENERGY AND TELECOMMUNICATIONS (Olson, Chairman): 3/24/2011
SB 415, do pass. Report adopted.

FINANCE AND CLAIMS (Lewis, Chairman): 3/25/2011
SB 359, introduced bill, be amended as follows:

1. Title, line 6.
Strike: "TRUCK DRIVER"

2. Page 1, line 14.
Following: "employees;"
Insert: "and"

3. Page 1, line 15.
Strike: "trucking companies"
Insert: "Montana's small business owners"

4. Page 1, line 16.
Strike: "while driving trucks"

5. Page 1, line 17 through line 27.
Strike: "WHEREAS" on line 17 through "Statistics;" on line 27

6. Page 1, line 28.
Strike: ", freight" through "years"
Insert: "and the demand for technical and skilled labor is increasing"

7. Page 1, line 29 through page 2, line 3.
Following: "increase" on page 1, line 29
Strike: remainder of line 29 through "them" on page 2, line 3

8. Page 2, line 7.
Following: "1 through"
Strike: "6"
Insert: "7"

9. Page 2, line 10.
Strike: "**-- intent**"
Following: "1 through"
Strike: "6"
Insert: "7"

10. Page 2, lines 11 and 12.
Strike: "Montana's" on line 11 through "industry" on line 12
Insert: "high-demand industries and occupations"

11. Page 2, line 12.
Strike: "it is the intent of"

12. Page 2, line 13.
Following: "legislature"
Strike: "that"
Insert: "authorizes"
Strike: "be established"

13. Page 2, line 13 through line 14.
Strike: "appropriated" on line 13 through "legislature" on line 14
Insert: "available"

14. Page 2, line 14.
Strike: "truck driving industry"
Insert: "high-demand industries and occupations"
Following: "veterans"
Strike: ","
Insert: "and"

15. Page 2, line 14 through line 15.
Strike: ", and" on line 14 through "workers" on line 15

16. Page 2, line 15.
Strike: "becoming truck drivers"
Insert: "entering high-demand industries and occupations"

17. Page 2, line 16.
Following: "support"
Strike: "," through "services,"
Strike: "as truck drivers"

18. Page 2, line 19.
Following: "1 through"
Strike: "6"
Insert: "7"

19. Page 2, line 23.
Following: "veterans"
Strike: ","
Insert: "or"

20. Page 2, line 23 through line 24.
Following: "spouses"
Strike: remainder of line 23 through "workers" on line 24

21. Page 2, line 25.
Strike: "truck driving industry"
Insert: "high-demand industries and occupations""

22. Page 2, line 26.
Following: "veterans"
Strike: ","
Insert: "or"

23. Page 2, lines 26 and 27.
Following: "spouses" on line 26
Strike: remainder of line 26 through "workers" on line 27

24. Page 2, line 28.
Strike: "as a truck driver"
Insert: "in Montana's high-demand industries and occupations"

25. Page 3, line 1.
Following: ";"
Insert: "and"

26. Page 3, line 2 through line 4.
Strike: subsection (c) in its entirety
Renumber: subsequent subsection

27. Page 3, line 5.
Strike: "the Montana trucking industry"
Insert: "Montana's high-demand industries and occupations"

28. Page 3, line 6.
Following: "position"
Strike: "in" through "industry"
Following: "Montana"
Insert: "that is not associated with a high-demand industry or occupation"

29. Page 3.
Following: line 6
Insert: "(4) "High-demand industry or occupation" means an industry or occupation that the department has shown to be or has recognized as becoming an increasingly important component of Montana's economy or workforce."
Renumber: subsequent subsections

30. Page 3, line 9.
Strike: "truck driver"

31. Page 3, line 10.
Following: "1 through"
Strike: "6"
Insert: "7"

32. Page 3, line 15.
Strike: "truck driver"
Following: "veterans"
Strike: ","
Insert: "and"

33. Page 3, line 15 through line 16.
Following: "spouses"
Strike: remainder of line 15 through "workers" on line 16

34. Page 3, line 16.
Following: "."

Insert: "The program is a revolving loan program administered by the department. The department shall design the program to include, at a minimum:

(a) procedures by which an eligible veteran or the spouse of an eligible veteran may apply for a loan to pursue technical training in high-demand industries or occupations;

(b) use of the funds in the account established in [section 7] as the source of funding for the loans;

(c) a loan repayment model that requires:

(i) the borrower to repay at least one-half of the loan;

(ii) the borrower's employer to repay no more than one-half of the loan; and

(iii) loan repayment to begin no more than 6 months after the borrower ends the training for which the funds were borrowed and to be completed no more than 2 years after the training is completed or the borrower becomes employed in a high-demand industry or occupation for which the borrower was trained under the program, whichever is later;

(d) an interest rate structure under which a veteran would not be charged interest on the loan and a veteran's spouse would be charged interest at 3% or less annually; and

(e) any other element not in conflict with the purpose of [sections 1 through 7] that the department determines is necessary to make the program function successfully.

35. Page 3, line 18.
Following: "about"
Strike: "the" through "Montana"
Insert: "short-term technical training"

36. Page 3, line 20.
Strike: "appropriated"
Insert: "available"
Following: "1 through"
Strike: "6"
Insert: "7"

37. Page 3, line 23.
Strike: "6"
Insert: "7"

38. Page 3, line 24.
Following: "1 through"
Strike: "6"
Insert: "7"

39. Page 3, line 29.
Following: "eligible"
Insert: "for a specific type of training"

40. Page 4, line 1.
Following: "1 through"

Strike: "6"
Insert: "7"

41. Page 4, line 2.
Following: "contract"
Insert: "required"

42. Page 4, line 9.
Following: "shall"
Insert: ", at a minimum"

43. Page 4, line 10.
Following: "veterans"
Strike: ","
Insert: "and"
Following: "spouses,"
Insert: "and"

44. Page 4, line 11.
Strike: "truck" through "employment"
Insert: "trained individuals to perform jobs in high-demand industries and occupations"

45. Page 4, line 24.
Strike: "truck driver"
Insert: "short-term technical"

46. Page 4, line 26.
Strike: "as a truck driver"
Insert: "in high-demand industries and occupations"

47. Page 4.
Following: line 26
Insert: "NEW SECTION. **Section 7. Account established -- deposits.** (1) There is an account in the state special revenue fund from which funds may be expended for the purposes of [sections 1 through 7].

(2) The department may accept gifts, grants, donations, bequests, and other forms of voluntary contributions for the purposes of [sections 1 through 7].

(3) All gifts, grants, donations, bequests, and other forms of voluntary contributions and any appropriations or account transfers for the purposes of [sections 1 through 7] must be deposited in the account established in subsection (1) and used only for the purposes of [sections 1 through 7]."
Renumber: subsequent sections

48. Page 5, line 2.
Following: "1 through"
Strike: "6"
Insert: "7"

49. Page 5, line 3.
Following: "1 through"
Strike: "6"
Insert: "7"

50. Page 5, following line 3.
Insert: "NEW SECTION. **Section 10. Contingent voidness.** If House Bill No. 2 does not contain a line-item appropriation specifically for the purposes of [this act], then [this act] is void."
Renumber: subsequent section

And, as amended, do pass. Report adopted.

SB 424, do pass. Report adopted.

FISH AND GAME (Brenden, Chairman): 3/24/2011
SB 157, do pass. Report adopted.
SB 390, introduced bill, be amended as follows:

1. Title, line 6.
Strike: "INCREASING" through "LICENSE FEE"
Insert: "CREATING A DONATION OPTION"

2. Title, line 8.
Strike: "87-2-202,"
Insert: "87-2-903,"

3. Page 3, line 14.
Following: "[section"
Strike: "4"
Insert: "5"

4. Page 5, line 14 through page 8, line 7.
Strike: Section 2 in its entirety
"Section 2. Section 87-2-903, MCA, is amended to read:
"87-2-903. Compensation, fees, and duties of agents -- penalty for late submission of license money. (1) License agents, except salaried employees of the department, must receive for all services rendered a commission of 50 cents for each transaction, plus any additional amount as determined by rules adopted pursuant to subsection (9).

(2) A license agent may charge a convenience fee of up to 3% of the total amount of a transaction if a purchase is made with a credit card or a debit card. A financial institution or credit card company may not prohibit collection of the convenience fee provided for in this subsection.

(3) Each license agent shall submit to the department the money received from the sale of licenses and donations received pursuant to [section 4], less the appropriate commission and convenience fee.

(4) Each license agent shall submit to the department copies of each paper license sold.

(5) The department may charge license agents appointed after March 1, 1998, an electronic license system fee not to exceed actual costs.

(6) The department may designate classes of license agents and may establish a protocol for each class of agent. Each license agent shall keep the license account open at all reasonable hours to inspection by the department, the director, the wardens, or the legislative auditor.

(7) For purposes of this section, the term "transaction" includes the sale of any license or permit, collection of any data or fee, or issuance of any certificate prescribed by the department. The term does not include donations collected pursuant to [section 4].

(8) If a license agent fails to submit to the department all money received from the declared sale of licenses and donations received pursuant to [section 4], less the appropriate commission and convenience fee, by the deadline established by the department, an interest charge equal to the rate charged under 15-1-216 may be assessed. Acceptance of late payments with interest does not preclude the department from summarily revoking the appointment of a license agent under 87-2-904.

(9) The department may adopt rules necessary to implement this section."

Renumber: subsequent sections

5. Page 8, line 18.
Following: line 17
Insert: "NEW SECTION. **Section 4. Donation option for wildlife population management.** A person who applies for or purchases a deer or elk license may donate $1, in addition to the price of each license, for the purposes of wildlife population management as provided in [section 5]."

6. Page 8, line 28.
Strike: "the sale" through "87-2-202"
Insert: "donations received pursuant to [section 4]"

7. Page 9, line 4 through line 6.
Following: "wolves"
Strike: ";" on line 4 through "the department" on line 6
Insert: ", including the authority "
Renumber: subsequent subsections

8. Page 9, line 8.
Strike: "."
Insert: ";"

9. Page 9, line 17.
Strike: "[Section 4] is"
Insert: "[Sections 4 and 5] are"

10. Page 9, line 18.
Strike: "[section 4]"
Insert: "[sections 4 and 5]"

And, as amended, do pass. Report adopted.

SB 400, introduced bill, be amended as follows:

1. Page 4, line 9.
Following: "hunt"
Insert: "only"

2. Page 4, line 28.
Following: "87-2-505."
Insert: "The elk tag portion of the Class B-10 license is valid only in areas listed in subsection (6)(a)."

3. Page 4, line 30.
Following: "87-2-510."
Insert: "These licenses are valid in any location considered appropriate by the department."

4. Page 5, line 4.
Following: line 3
Insert: "(e) The commission may issue permits to implement the provisions of this subsection (6) in accordance with the wildlife management powers granted by 87-1-301."

5. Page 5, line 4.
Following: "(7)"
Strike: "The"
Insert: "(a) Except as provided in subsection (7)(b),"

6. Page 5, line 7.
Following: line 6
Insert: "(b) The revenue collected pursuant to subsection (6)(c)(ii) must be deposited in the hunting access account established in 87-1-290 and allocated according to the provisions of 87-1-290."

And, as amended, do pass. Report adopted.

TAXATION (Tutvedt, Chairman): 3/25/2011
SB 412, do pass. Report adopted.

SR 3, be adopted. Report adopted.

MESSAGES FROM THE GOVERNOR

March 24, 2011

The Honorable Jim Peterson
President of the Senate
State Capitol
Helena, Montana 59620

Dear Senator Peterson:

Please be informed that I have signed **Senate Bill 64** sponsored by Senator Steinbeisser, **Senate Bill 69** sponsored by Senator Wanzenried, and **Senate Bill 186** sponsored by Senator Steinbeisser on March 24, 2011.

Sincerely,

BRIAN SCHWEITZER
Governor

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 3/24/2011

HB 159, introduced by C. Smith
HB 163, introduced by Hollandsworth
HB 188, introduced by Loney
HB 196, introduced by Connell
HB 317, introduced by Cook
HB 343, introduced by Cook
HB 351, introduced by Cook
HB 388, introduced by Cook
HB 411, introduced by Wilmer
HB 444, introduced by Burnett
HB 475, introduced by Connell
HB 534, introduced by Howard
HB 551, introduced by Flynn
HB 565, introduced by Noonan
HB 587, introduced by McNutt
HB 602, introduced by McNutt
HB 611, introduced by Cook
HB 613, introduced by Roberts
HB 619, introduced by Ankney

HB 8, introduced by Sesso, requiring adoption by an affirmative roll call vote of three-quarters of each house, passed the House and was transmitted to the Senate with the following vote:

3/24/2011

Yeas - 84
Nays - 12

HB 42 - The House failed to concur in Senate amendments to **HB 42,** authorized the Speaker to appoint the following Conference Committee, and requested that the Senate appoint a like committee to confer on Senate amendments to **HB 42:**

3/24/2011

Representative Hollenbaugh, Vice Chair
Representative Ehli
Representative Esp

Senate bill concurred in as amended and returned to the Senate for concurrence in House amendments:

3/24/2011

SB 201, introduced by Walker

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Essmann moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Olson in the chair.

Senator Williams moved the Democrats recess for caucus. Without objection, so ordered.

Senate in recess.

Senate reconvened at 12:27 p.m.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 131 - Senator Jent moved **HB 131** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Windy Boy, Mr. President.
Total 46

Nays: Ripley, Walker, Wittich, Zinke.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 342 - Senator Tutvedt moved **HB 342** be concurred in. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hamlett, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 29

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 253 - Senator Lake moved **SB 253** do pass. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 348 - Senator Barrett moved **SB 348** do pass.

SB 348 - Senator Buttrey moved **SB 348**, second reading copy, be amended as follows:

1. Title, page 1, line 5.
Following: "COLLARING"
Insert: ", MONITORING,"

2. Page 2, line 10.
Strike: "radio-tracking"
Strike: "for"
Insert: "and other"
Following: "monitoring"
Insert: "of"

3. Page 2, line 11 through line 12.
Strike: "a radio-tracking" on line 11 through "that is" on line 12
Insert: "the department shall implement a monitoring system that is capable of determining and tracing the movement and population of wolf packs. The system may include but is not limited to the collaring of wolves. The department shall place priority on implementing the system for wolf packs that are"

Amendment adopted as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Williams, Windy Boy, Wittich, Mr. President.
Total 47

Nays: Kaufmann, Wanzenried, Zinke.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 348 - Senator Barrett moved **SB 348**, as amended, do pass. Motion carried as follows:
Yeas: Arthun, Augare, Barrett, Branae, Brenden, Brown, Buttrey, Caferro, Essmann, Gallus, Gillan, Hamlett, Hinkle, Hutton, Jackson, Jones, Keane, Lake, Larsen, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Wittich, Zinke, Mr. President.
Total 38

Nays: Balyeat, Blewett, Erickson, Facey, Hawks, Jent, Kaufmann, Moss, Stewart-Peregoy, Tropila, Williams, Windy Boy.
Total 12

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 372 - Senator Tutvedt moved **SB 372** do pass. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 371 - Senator Lewis moved **SB 371** do pass. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Brenden, Brown, Buttrey, Caferro, Essmann, Facey, Gallus, Gillan, Hamlett, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Larsen, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Wittich, Mr. President.
Total 41

Nays: Branae, Erickson, Hawks, Kaufmann, Moss, Stewart-Peregoy, Williams, Windy Boy, Zinke.
Total 9

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 410 - Senator Brenden moved **SB 410** do pass.

SB 410 - Senator Brenden moved **SB 410**, second reading copy, be amended as follows:

1. Title, page 1, line 14.
Strike: "SECTIONS 77-1-101"
Strike: "AND"
Insert: "SECTION"

2. Page 3, line 26 through page 5, line 14.
Strike: section 3 in its entirety
Renumber: subsequent sections

Amendment adopted as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 48

Nays: Kaufmann, Wanzenried.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 410 - Senator Brenden moved **SB 410**, as amended, do pass. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Brenden, Brown, Buttrey, Caferro, Essmann, Gillan, Hamlett, Hinkle, Hutton, Jackson, Jones, Keane, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Williams, Wittich, Zinke, Mr. President.
Total 36

Nays: Blewett, Branae, Erickson, Facey, Gallus, Hawks, Jent, Kaufmann, Larsen, Moss, Stewart-Peregoy, Van Dyk, Wanzenried, Windy Boy.
Total 14

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 237 - Senator Priest moved **HB 237** be concurred in. Motion **failed** as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Essmann, Gallus, Hutton, Jackson, Keane, Lake, Moore, Murphy, Olson, Priest, Steinbeisser, Walker, Wittich.
Total 17

Nays: Augare, Blewett, Branae, Brown, Buttrey, Caferro, Erickson, Facey, Gillan, Hamlett, Hawks, Hinkle, Jent, Jones, Kaufmann, Larsen, Lewis, Moss, Mowbray, Ripley, Shockley, Sonju, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 33

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 237 - Senator Williams moved **HB 237** be **indefinitely postponed**. Motion carried as follows:
Yeas: Arthun, Augare, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Jackson, Jent, Jones, Kaufmann, Keane, Larsen, Lewis, Moss, Mowbray, Murphy, Priest, Shockley, Sonju, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 40

Nays: Balyeat, Barrett, Hutton, Lake, Moore, Olson, Ripley, Steinbeisser, Walker, Wittich.
Total 10

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Essmann moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. Senate resumed. President Peterson in the chair. Chairman Olson moved the Committee of the Whole report be adopted. Report adopted as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker,

Williams, Wittich, Zinke, Mr. President.
Total 46

Nays: Erickson, Kaufmann, Wanzenried, Windy Boy.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 295 passed as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Wittich, Zinke, Mr. President.
Total 45

Nays: Blewett, Gallus, Larsen, Stewart-Peregoy, Windy Boy.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 328 passed as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 26

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Murphy, Olson, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 24

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 402 passed as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tropila, Tutvedt, Van Dyk, Vincent, Walker, Wanzenried, Wittich, Zinke, Mr. President.
Total 42

Nays: Erickson, Kaufmann, Larsen, Moss, Stewart-Peregoy, Vuckovich, Williams, Windy Boy.
Total 8

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJR 17 adopted as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 43 concurred in as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Facey, Gillan, Hamlett, Hinkle, Hutton, Jackson, Jent, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Van Dyk, Vincent, Walker, Wanzenried, Wittich, Zinke, Mr. President.
Total 35

Nays: Blewett, Branae, Caferro, Erickson, Gallus, Hawks, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Vuckovich, Williams, Windy Boy.
Total 15

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 77 concurred in as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 90 concurred in as follows:
Yeas: Augare, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Jackson, Jent, Jones, Kaufmann, Keane, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Ripley, Steinbeisser, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 38

Nays: Arthun, Balyeat, Hinkle, Hutton, Lake, Priest, Shockley, Sonju, Tutvedt, Vincent, Walker, Wittich.
Total 12

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 116 concurred in as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 134 concurred in as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 49

Nays: Wittich.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 225 concurred in as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Windy Boy, Wittich, Zinke, Mr. President.
Total 48

Nays: Larsen, Williams.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 255 concurred in as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 256 concurred in as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 315 concurred in as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent,

Vuckovich, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 48

Nays: Walker, Wittich.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 336 concurred in as follows:
Yeas: Augare, Barrett, Blewett, Branae, Brown, Buttrey, Caferro, Essmann, Facey, Gillan, Hamlett, Hawks, Jackson, Jent, Kaufmann, Keane, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy, Mr. President.
Total 33

Nays: Arthun, Balyeat, Brenden, Erickson, Gallus, Hinkle, Hutton, Jones, Lake, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Williams, Wittich, Zinke.
Total 17

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 352 concurred in as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Essmann, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Walker, Wanzenried, Wittich, Zinke, Mr. President.
Total 44

Nays: Erickson, Facey, Kaufmann, Vuckovich, Williams, Windy Boy.
Total 6

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 528 concurred in as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brown, Buttrey, Essmann, Gillan, Hamlett, Hawks, Hutton, Jackson, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Williams, Mr. President.
Total 31

Nays: Brenden, Caferro, Erickson, Facey, Gallus, Hinkle, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Sonju, Vuckovich, Walker, Wanzenried, Windy Boy, Wittich, Zinke.
Total 19

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HJR 19 concurred in as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Balyeat, Chairman): 3/25/2011
HB 249, be amended as follows:

1. Page 1, line 15.
Following: "shareholder"
Strike: "of"
Insert: "who is:
(a) active in"

2. Page 1, line 17.
Following: "~~conduct~~"
Insert: "except that a shareholder may become personally liable by reason of that shareholder's own acts or conduct;
(b) not active in the corporation is not personally liable"

And, as amended, be concurred in. Report adopted.

HB 405, be amended as follows:

1. Page 2, line 28.
Following: "statement"
Insert: "made contemporaneously with the omission"

And, as amended, be concurred in. Report adopted.

HB 416, be concurred in. Report adopted.
HB 508, be concurred in. Report adopted.
HB 525, be amended as follows:

1. Title, line 6.
Following: "DATE"
Insert: "AND A TERMINATION DATE"

2. Page 1, line 10.
Following: "(1)"
Strike: "(a)"

3. Page 1, line 11 through line 12.
Strike: "in" on line 11 through "to" on line 12

4. Page 1, line 12.
Strike: "board remains"
Insert: "boards remain"
Strike: "meets"
Insert: "meet"

5. Page 1, line 15 through line 18.
Strike: subsection (b) in its entirety

6. Page 2.
Following: line 10
Insert: "NEW SECTION. **Section 4. Termination.** [This act] terminates December 31, 2012."

And, as amended, be concurred in. Report adopted.

HB 547, be concurred in. Report adopted.

FINANCE AND CLAIMS (Lewis, Chairman): 3/25/2011
SB 187, introduced bill, be amended as follows:

1. Title, line 8.
Following: "46-8-113,"
Insert: "46-18-251,"

2. Title, line 9.
Strike: "IMMEDIATE"

3. Page 2, line 7.
Following: "culture"
Insert: "and at least one member must have a background in the diagnosis and treatment of mental illness"

4. Page 4, line 11 through line 22.
Strike: subsection (6) in its entirety
Renumber: subsequent subsections

5. Page 4, line 27 through line 30.
Strike: subsection (b) in its entirety
Renumber: subsequent subsection

6. Page 5, line 3.
Following: "of the"
Insert: "court"

7. Page 5, line 3 through line 4.
Following: "order" on line 3
Strike: remainder of line 3 through "defender" on line 4

8. Page 5, line 11.
Following: "compensate the"
Strike: "office of state public defender"
Insert: "state"

9. Page 5, line 19 through line 20.
Following: "counsel." on line 19
Strike: "The" on line 19 through "defender." on line 20
Insert: "All funds collected must be deposited in the state general fund."

10. Page 5, line 23.
Strike: "(10)(b)"
Insert: "(9)(b)"

11. Page 5, line 26 through line 28.
Following: "counsel." on line 26
Strike: remainder of line 26 through "defender." on line 28
Insert: "All funds collected must be deposited in the state general fund."

12. Page 6, line 4.
Insert: "Section 4. Section 46-18-251, MCA, is amended to read:

"46-18-251. (Temporary) Allocation of fines, costs, restitution, and other charges. (1) Except as provided in 46-18-236(7)(b), if a misdemeanor offender is subjected to any combination of fines, costs, restitution, charges, or other payments arising out of the same criminal proceeding, money that the court collects from the offender must be allocated as provided in this section. A felony offender shall pay restitution and costs of counsel imposed pursuant to 46-8-113 to the department of corrections, and other fines and costs must be paid to the court and allocated as provided in this section.

(2) Except as otherwise provided in 46-18-236(7)(b) and this section, if a defendant is subject to payment of restitution and any combination of fines, costs, charges under the provisions of 46-18-236, or other payments, 50% of all money collected from the defendant must be applied to payment of restitution and the balance must be applied to other payments in the following order:

(a) payment of charges imposed pursuant to 46-8-113;
~~(a)~~(b) payment of charges imposed pursuant to 46-18-236;
~~(b)~~(c) payment of supervisory fees imposed pursuant to 46-23-1031;
~~(c)~~(d) payment of costs imposed pursuant to 46-18-232 or 46-18-233;
~~(d)~~(e) payment of fines imposed pursuant to 46-18-231 or 46-18-233; and
~~(e)~~(f) any other payments ordered by the court.

(3) The money applied under subsection (2) to the payment of restitution must be paid in the following order:

(a) to the victim until the victim's unreimbursed pecuniary loss is satisfied;

(b) to the crime victims compensation and assistance program in the department of justice for deposit in the account provided for in 53-9-113 until the state is fully reimbursed for compensation to the victim provided pursuant to Title 53, chapter 9, part 1;

(c) to any other government agency that has compensated the victim for the victim's pecuniary loss; and

(d) to any insurance company that has compensated the victim for the victim's pecuniary loss.

(4) If any fines, costs, charges, or other payments remain unpaid after all of the restitution has been paid, any additional money collected must be applied to payment of those fines, costs, charges, or other payments. If any restitution remains unpaid after all of the fines, costs, charges, or other payments have been paid, any additional money collected must be applied toward payment of the restitution. (Terminates June 30, 2015--sec. 14, Ch. 374, L. 2009.)

46-18-251. (Effective July 1, 2015) Allocation of fines, costs, restitution, and other charges. (1) Except as provided in 46-18-236(7)(b), if an offender is subjected to any combination of fines, costs, restitution, charges, or other payments arising out of the same criminal proceeding, money collected from the offender must be allocated as provided in this section.

(2) Except as otherwise provided in 46-18-236(7)(b) and this section, if a defendant is subject to payment of restitution and any combination of fines, costs, charges under the provisions of 46-18-236, or other payments, 50% of all money collected from the defendant must be applied to payment of restitution and the balance must be applied to other payments in the following order:

(a) payment of charges imposed pursuant to 46-8-113;

~~(a)~~(b) payment of charges imposed pursuant to 46-18-236;

~~(b)~~(c) payment of supervisory fees imposed pursuant to 46-23-1031;

~~(c)~~(d) payment of costs imposed pursuant to 46-18-232 or 46-18-233;

~~(d)~~(e) payment of fines imposed pursuant to 46-18-231 or 46-18-233; and

~~(e)~~(f) any other payments ordered by the court.

(3) The money applied under subsection (2) to the payment of restitution must be paid in the following order:

(a) to the victim until the victim's unreimbursed pecuniary loss is satisfied;

(b) to the crime victims compensation and assistance program in the department of justice for deposit in the state general fund until the state is fully reimbursed for compensation to the victim provided pursuant to Title 53, chapter 9, part 1;

(c) to any other government agency that has compensated the victim for the victim's pecuniary loss; and

(d) to any insurance company that has compensated the victim for the victim's pecuniary loss.

(4) If any fines, costs, charges, or other payments remain unpaid after all of the restitution has been paid, any additional money collected must be applied to payment of those fines, costs, charges, or other payments. If any restitution remains unpaid after all of the fines, costs, charges, or other payments have been paid, any additional money collected must be applied toward payment of the restitution.""

Renumber: subsequent sections

13. Page 14, line 13.
Strike: "11"
Insert: "12"

14. Page 14, line 14.
Strike: "11"
Insert: "12"

15. Page 14, line 16.
Following: "effective"
Strike: "on passage and approval"
Insert: "July 1, 2011"

And, as amended, do pass. Report adopted.

ANNOUNCEMENTS

Committee meetings were announced by Committee chairs.

Senator Essmann moved the Senate recess until 5:30 p.m. Motion carried.

Senate in recess.

Senate reconvened at 5:37 p.m.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS: 3/25/2011

Signed by the Speaker at 11:13 a.m., March 25, 2011: **SB 176**, **SB 294**, **SB 351**.
Delivered to the Governor for approval at 4:20 p.m., March 25, 2011: **SB 176**, **SB 294**, **SB 351**.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Essmann moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Zinke in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 179 - Senator Jackson moved **HB 179** be concurred in. Motion **failed** as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Mowbray, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Zinke, Mr. President.
Total 25

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moore, Moss, Murphy, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Wittich.
Total 25

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 179 - Senator Williams moved **HB 179** be indefinitely postponed. Motion **failed** as follows:
Yeas: Arthun, Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moore, Moss, Murphy, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 25

Nays: Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Mowbray, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 25

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 271 - Senator Hinkle moved **HB 271** be concurred in. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Gillan, Hamlett, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 29

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Ripley, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 542 - Senator Tutvedt moved **HB 542** be concurred in. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Olson, Priest, Ripley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 26

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Murphy, Shockley, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 24

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 409 - Senator Tutvedt moved **SB 409** do pass. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 48

Nays: Moss, Stewart-Peregoy.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 129 - Senator Lewis moved **SB 129** do pass. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Mr. President.
Total 26

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Olson, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke.
Total 24

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Sonju excused at this time.

Senator Gallus excused at this time.

SB 322 - Senator Balyeat moved **SB 322** do pass. Motion carried as follows:
Yeas: Balyeat, Barrett, Brenden, Brown, Buttrey, Caferro, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Steinbeisser, Vincent, Walker, Wittich, Mr. President.
Total 25

Nays: Arthun, Augare, Blewett, Branae, Erickson, Facey, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke.
Total 23

Absent or not voting: None.
Total 0

Excused: Gallus, Sonju.
Total 2

Senator Gallus present at this time.

HB 166 - Senator Moore moved **HB 166** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Sonju.
Total 1

HB 277 - Senator Caferro moved **HB 277** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moss, Mowbray, Murphy, Olson, Shockley, Steinbeisser, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 42

Nays: Essmann, Moore, Priest, Ripley, Stewart-Peregoy, Vincent, Wittich.
Total 7

Absent or not voting: None.
Total 0

Excused: Sonju.
Total 1

HB 291 - Senator Keane moved **HB 291** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Ripley, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 45

Nays: Lake, Priest, Walker, Wittich.
Total 4

Absent or not voting: None.
Total 0

Excused: Sonju.
Total 1

HB 538 - Senator Olson moved **HB 538** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Sonju.
Total 1

Senator Essmann moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Peterson in the chair. Chairman Zinke moved the Committee of

the Whole report be adopted. Report adopted as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Brenden, Brown, Buttrey, Caferro, Essmann, Gallus, Gillan, Hamlett, Hinkle, Hutton, Jackson, Jones, Keane, Lake, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 38

Nays: Blewett, Branae, Erickson, Facey, Hawks, Jent, Kaufmann, Larsen, Ripley, Van Dyk, Wanzenried.
Total 11

Absent or not voting: None.
Total 0

Excused: Sonju.
Total 1

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Balyeat, Chairman): 3/25/2011
HB 334, be amended as follows:

1. Title, page 1, line 11.
Following: "BIENNIUM;"
Insert: "requiring the legislative auditor to submit reports on the Montana State Fund to the insurance commissioner; revising vocational rehabilitation services and terms to assist an employee in staying at work or returning to work; creating a stay-at-work/return-to-work assistance fund and providing for assessments; extending rulemaking authority;"

2. Title, page 1, line 12.
Following: "39-71-320,"
Insert: "39-71-403,"

3. Title, page 1, line 13.
Following: "39-71-1011,"
Insert: "39-71-1025, 39-71-1031,"

Following: "39-71-1102,"
Strike: "AND"

4. Title, page 1, line 14.
Following: "39-71-1106,"
Insert: "AND 39-71-2361,"

5. Page 1, line 25.
Following: "~~disease.~~"
Insert: "Within that limitation, the wage-loss benefit should bear a reasonable relationship to actual wages lost as a result of a work-related injury or disease."

6. Page 4, line 26.
Strike: subsection (15) in its entirety
Renumber: subsequent subsections

7. Page 5.
Following: line 1
Insert: "(16) (a) "Indemnity benefits" means any payment made directly to the worker or the worker's beneficiaries, other than a medical benefit. The term includes payments made pursuant to a reservation of rights.

(b) The term does not include stay-at-work/return-to-work assistance, auxiliary benefits, or expense reimbursements for items such as meals, travel, or lodging."
Renumber: subsequent subsections

8. Page 5, line 7.
Strike: "or treatment" through "healing"
Insert: "while minimizing recurrence of the clinical status"

9. Page 5, lines 9 through 11.
Strike: "initial" on line 9
Strike: "as established" on line 9 through "findings" on line 10
Strike: "A" on line 10 through "improvement." on line 11

10. Page 6, line 1.
Strike: "Class 2 or greater class of"

11. Page 6, line 14.
Following: "injury"
Insert: "or occupational disease"
Strike: "the initial achievement of"
Insert: "achieving"

12. Page 7, line 24.
Strike: "designated by the insurer to be"
Insert: "who, subject to the requirements of 39-71-1101, is "

13. Page 17.
Following: line 4
Insert: "Section 7. Section 39-71-403, MCA, is amended to read:

"39-71-403. Plan three exclusive for state agencies -- election of plan by public corporations -- financing of self-insurance fund -- exemption for university system --

definitions -- rulemaking. (1) (a) Except as provided in subsection (5), if a state agency is the employer, the terms, conditions, and provisions of compensation plan No. 3, state fund, are exclusive, compulsory, and obligatory upon both employer and employee. Any sums necessary to be paid under the provisions of this chapter by a state agency are considered to be ordinary and necessary expenses of the agency. The agency shall pay the sums into the state fund at the time and in the manner provided for in this chapter, notwithstanding that the state agency may have failed to anticipate the ordinary and necessary expense in a budget, estimate of expenses, appropriations, ordinances, or otherwise.

(b) (i) Subject to subsection (5), the department of administration, provided for in 2-15-1001, shall manage workers' compensation insurance coverage for all state agencies.

(ii) The state fund shall provide the department of administration with all information regarding the state agencies' coverage.

(iii) Notwithstanding the status of a state agency as employer in subsection (1)(a) and contingent upon mutual agreement between the department of administration and the state fund, the state fund shall issue one or more policies for all state agencies.

(iv) In any year in which the workers' compensation premium due from a state agency is lower than in the previous year, the appropriation for that state agency must be reduced by the same amount that the workers' compensation premium was reduced and the difference must be returned to the originating fund instead of being applied to other purposes by the state agency submitting the premium.

(2) A public corporation, other than a state agency, may elect coverage under compensation plan No. 1, plan No. 2, or plan No. 3, separately or jointly with any other public corporation, other than a state agency. A public corporation electing compensation plan No. 1 may purchase reinsurance or issue bonds or notes pursuant to subsection (3)(b). A public corporation electing compensation plan No. 1 is subject to the same provisions as a private employer electing compensation plan No. 1.

(3) (a) A public corporation, other than a state agency, that elects plan No. 1 may establish a fund sufficient to pay the compensation and benefits provided for in this chapter and to discharge all liabilities that are reasonably incurred during the fiscal year for which the election is effective. Proceeds from the fund must be used only to pay claims covered by this chapter and for actual and necessary expenses required for the efficient administration of the fund, including debt service on any bonds and notes issued pursuant to subsection (3)(b).

(b) (i) A public corporation, other than a state agency, separately or jointly with another public corporation, other than a state agency, may issue and sell its bonds and notes for the purpose of establishing, in whole or in part, the self-insurance workers' compensation fund provided for in subsection (3)(a) and to pay the costs associated with the sale and issuance of the bonds. Bonds and notes may be issued in an amount not exceeding 0.18% of the total assessed value of taxable property, determined as provided in 15-8-111, of the public corporation as of the date of issue. The bonds and notes must be authorized by resolution of the governing body of the public corporation and are payable from an annual property tax levied in the amount necessary to pay principal and interest on the bonds or notes. This authority to levy an annual property tax exists despite any provision of law or maximum levy limitation, including 15-10-420, to the contrary. The revenue derived from the sale of the bonds and notes may not be used for any other purpose.

(ii) The bonds and notes:

(A) may be sold at public or private sale;

(B) do not constitute debt within the meaning of any statutory debt limitation; and

(C) may contain other terms and provisions that the governing body determines.

(iii) Two or more public corporations, other than state agencies, may agree to exercise their respective borrowing powers jointly under this subsection (3)(b) or may authorize a joint board to exercise the powers on their behalf.

(iv) The fund established from the proceeds of bonds and notes issued and sold under this subsection (3)(b) may, if sufficient, be used in lieu of a surety bond, reinsurance, specific and aggregate excess insurance, or any other form of additional security necessary to demonstrate the public corporation's ability to discharge all liabilities as provided in subsection (3)(a). Subject to the total assessed value limitation in subsection (3)(b)(i), a public corporation may issue bonds and notes to establish a fund sufficient to discharge liabilities for periods greater than 1 year.

(4) All money in the fund established under subsection (3)(a) not needed to meet immediate expenditures must be invested by the governing body of the public corporation or the joint board created by two or more public corporations as provided in subsection (3)(b)(iii), and all proceeds of the investment must be credited to the fund.

(5) For the purposes of subsection (1)(b), the judicial branch or the legislative branch may choose not to have the department of administration manage its workers' compensation policy.

(6) The department of administration may adopt rules to implement subsection (1)(b)(i).

(7) As used in this section, the following definitions apply:

(a) "Public corporation" includes the Montana university system.

(b) (i) "State agency" means:

(A) the executive branch and its departments and all boards, commissions, committees, bureaus, and offices;

(B) the judicial branch; and

(C) the legislative branch.

(ii) The term does not include the Montana university system.""

Renumber: subsequent sections

14. Page 17, lines 12 through 22.

Strike: subsection (2) in its entirety

Insert: "(2) An injury does not arise out of and in the course of employment when the employee is:

(a) on a paid or unpaid break, is not at a worksite of the employer, and is not performing any specific tasks for the employer during the break; or

(b) engaged in a social or recreational activity, regardless of whether the employer pays for any portion of the activity. The exclusion from coverage of this subsection (2)(b) does not apply to an employee who, at the time of injury, is on paid time while participating in a social or recreational activity or whose presence at the activity is required or requested by the employer. For the purposes of this subsection (2)(b), "requested" means the employer asked the employee to assume duties for the activity so that the employee's presence is not completely voluntary and optional and the injury occurred in the performance of those duties."

15. Page 17, lines 27 through 28.

Strike: subsection (b) in its entirety
Renumber: subsequent subsection

16. Page 19, line 2.
Strike: "(a)"

17. Page 19, line 3.
Strike: "(i)"
Insert: "(a)"

18. Page 19, line 4.
Strike: "(ii)"
Insert: "(b)"

19. Page 19, lines 8 through 9.
Strike: subsection (b) in its entirety

20. Page 20, line 2.
Strike: "Class 2 or greater class of"
Following: "~~rating~~"
Insert: "rating"

21. Page 20, line 5.
Strike: "and"

22. Page 20, line 6.
Following: "~~and~~"
Insert: "; and
(iii) is more than zero."

23. Page 20, line 8.
Strike: "."

24. Page 20, lines 10 through 11.
Strike: "A" on line 10
Insert: "When a worker receives a Class 2 or greater class of impairment as converted to the whole person, as determined by the sixth edition of the American medical association Guides to the Evaluation of Permanent Impairment for the ratable condition, and has no actual wage loss as a result of the compensable injury or occupational disease, the"
Following: "only"
Strike: "if the" on line 10 through "(1)" on line 11

25. Page 23, line 5.
Strike: "20"

Insert: "29"

26. Page 23, line 24.
Following: "workers."
Insert: "Regardless of the date of injury, payment for medical services is based on the fee schedule rates in this section in effect on the date on which the medical service is provided."

27. Page 24.
Following: line 6
Insert: "(c) From July 1, 2011, through June 30, 2013, the fee schedules established in subsection (2)(b) must be based on the following standards as adopted by the centers for medicare and medicaid services and as adopted by the department on December 31, 2010, regardless of where services are provided:
(i) the American medical association current procedural terminology codes;
(ii) the healthcare common procedure coding system;
(iii) the medicare severity diagnosis-related groups;
(iv) the ambulatory payment classifications;
(v) the ratio of costs to charges for each hospital;
(vi) the national correct coding initiative edits; and
(vii) the relative value units as adjusted annually using the most recently published resource-based relative value scale."
Renumber: subsequent subsections
28. Page 24, line 7.
Strike: "The"
Insert: "On or after July 1, 2013, the"

29. Page 24, lines 8.
Strike: "in effect" through "provided"

30. Page 24, line 10.
Following: "codes"
Insert: ", as those codes exist on March 31 of each year"

31. Page 24, line 11.
Following: "system"
Insert: ", as those codes and their relative weights exist on March 31 of each year"

32. Page 24, line 12.
Following: "groups"
Insert: ", as those codes and their relative weights exist on October 1 of each year"

33. Page 24, line 13.
Following: "classifications"
Insert: ", as those codes and their relative weights exist on March 31 of each year"

34. Page 24, line 14.
Following: "hospital"
Insert: ", as those codes exist on October 1 of each year"

35. Page 24, line 15.
Following: "edits"
Insert: ", as those codes exist on March 31 of each year"

36. Page 24, line 16.
Strike: "as adjusted" through "recently"
Insert: "in the"

37. Page 24, line 17.
Following: "scale"
Insert: ", as those codes exist on March 31 of each year"

38. Page 24, line 18.
Following: "codes"
Insert: "and coding standards"

39. Page 24, line 21.
Strike: "January 1, 2011"
Insert: "December 31, 2010"

40. Page 24, line 23.
Following: "presumption that the"
Insert: "adopted"

41. Page 24, lines 24 through 25.
Strike: "established by the department are" on line 24
Strike: "an appropriate" on line 24 through "chapter" on line 25
Insert: "establish compensable medical treatment for an injured worker"

42. Page 24, line 30.
Following: "director"
Strike: "to conduct"
Insert: ". The department may establish by rule"

43. Page 25, line 1.
Strike: ". The independent" through "assess"
Insert: "for"

44. Page 30, line 18.
Strike: "chapter"
Insert: "part"

45. Page 30.
Following: line 18
Insert: "(1) "Assistance fund" means the stay-at-work/return-to-work assistance fund provided for in [section 19]."
Renumber: subsequent subsections

46. Page 30, line 21.
Strike: "practitioners"
Insert: "providers"

47. Page 30.
Following: line 25
Insert: "(4) "Insurer's stay-at-work/return-to-work assistance policy" or "assistance policy" means a written stay-at-work/return-to-work policy that explains to the worker the process of evaluation, planning, implementation, and provision of services by the insurer prior to the determination that the worker meets the definition of a disabled worker. The services are intended to facilitate a worker's return to work as soon as possible following the worker's injury or occupational disease. This assistance may include a rehabilitation plan."
Renumber: subsequent subsections

48. Page 31, line 4 through line 8.
Strike: subsection (7) in its entirety
Insert: "(9) "Stay-at-work/return-to-work assistance" or "assistance" means the evaluation, planning, implementation, and provision of appropriate services prior to the determination that the worker meets the definition of a disabled worker that are designed to facilitate a worker's return to work as soon as possible following the worker's injury or occupational disease. This assistance may include a rehabilitation plan."

49. Page 31.
Following: line 9
Insert: "NEW SECTION. **Section 16. Stay-at-work/return-to-work goals and options -- notification by department -- agreement between worker and insurer.** (1) The goal of stay-at-work/return-to-work assistance is to minimize avoidable disruption caused by a work-related injury or occupational disease by assisting the worker in the worker's return to the same position with the same employer or to a modified position with the same employer as soon as possible after an injury or an occupational disease occurs.

(2) To further the goal in subsection (1), the department shall, upon receipt from the insurer of a report of injury or occupational disease pursuant to 39-71-307(2), distribute to the worker a document that describes the stay-at-work/return-to-work assistance that is available upon request by the worker.

(3) Services provided as part of stay-at-work/return-to-work assistance are provided in addition to or prior to rehabilitation services and are intended to help a worker return to work."
Insert: "NEW SECTION. **Section 17. Request for and delivery of stay-at-**

work/return-to-work assistance. (1)(a) A worker who is claiming an injury or occupational disease, an employer, or a medical provider may ask that the department furnish stay-at-work/return-to-work assistance. After the worker signs a claim for benefits, the department shall promptly attempt to determine which insurer is at risk for the injury or occupational disease and contact that insurer. The department shall advise the insurer of the request for stay-at-work/return-to-work assistance and shall coordinate the assistance with the insurer.

(b) If an insurer has accepted liability for the claim, the insurer shall provide stay-at-work/return-to-work assistance either in accordance with the insurer's stay-at-work/return-to-work assistance policy or by designating a rehabilitation provider to provide rehabilitation services. The insurer is directly liable for paying for the stay-at-work/return-to-work assistance furnished.

(c) If an insurer at risk has not accepted liability for the claim, the insurer may choose one of the following actions:

(i) The insurer at risk for the claim may initiate stay-at-work/return-to-work assistance either in accordance with the insurer's stay-at-work/return-to-work assistance policy or by designating a rehabilitation provider to provide rehabilitation services and shall notify the department within 3 business days of being contacted by the department that the insurer is acting under this subsection (1)(c)(i). If the insurer provides either type of assistance, the insurer becomes responsible for directly paying for the assistance. Payment of assistance pursuant to this subsection (1)(c)(i) does not constitute admission of liability or a waiver of any right of defense.

(ii) If the insurer at risk for the claim does not notify the department within 3 business days of being contacted by the department that the insurer will provide assistance, the department shall obtain stay-at-work/return-to-work assistance for the worker by designating a rehabilitation provider.

(d) If the department cannot promptly determine which insurer is at risk for coverage, the department shall obtain stay-at-work/return-to-work assistance for the worker by designating a rehabilitation provider.

(e) A rehabilitation provider designated by the department under this section shall bill the department for services provided. The department shall pay for the stay-at-work/return-to-work assistance out of the assistance fund until the maximum allowed amount of assistance is provided or until the insurer denies the claim and notifies the department of the denial.

(f) If an insurer is providing assistance pursuant to the insurer's stay-at-work/return-to-work assistance policy, the insurer shall provide in writing to a worker, with a copy to the department, an explanation of the stay-at-work/return-to-work assistance being provided to the worker under this section and shall include contact information for the person providing the assistance.

(2) Rather than make a request to the department, a worker, an employer, or a medical provider may directly ask the insurer to provide stay-at-work/return-to-work assistance.

(3) In the absence of a request by a worker, an employer, or a medical provider, an insurer may initiate and provide stay-at-work/return-to-work assistance by providing the worker with a copy of the insurer's stay-at-work/return-to-work assistance policy or by designating a rehabilitation provider to provide rehabilitation services.

(4) Stay-at-work/return-to-work assistance requested under this section is available as a service apart from a determination regarding indemnity benefits. A worker or an employer may

decline to accept stay-at-work/return-to-work assistance. The failure of a worker to voluntarily agree to assistance is not a dispute concerning benefits. However, if the assistance provided under this part results in a job offer for a position that is within the worker's physical abilities, for which the worker is qualified, and for which the wages are at least equal to the worker's wages at the time of injury and the worker refuses the offer, the workers' indemnity benefits may end as provided in 39-
71-701 and 39-71-712.

(5) Stay-at-work/return-to-work assistance is available at any time unless:

(a) the worker, prior to a determination that the worker meets the definition of a disabled worker, has refused a job offer for a position that is within the worker's physical abilities, for which the worker is qualified, and for which the wages are at least equal to the worker's wages at the time of injury;

(b) the worker has actually returned to work; or

(c) the claim has been closed pursuant to 39-71-704(1)(f)(i) or indemnity benefits have been settled pursuant to the definition of a settled claim in 39-71-107.

(6) If the insurer determines that the worker has not suffered a compensable injury or occupational disease and denies liability for the claim, the insurer or the department shall terminate any stay-at-work/return-to-work assistance that was initiated before the insurer's denial of liability."

Insert: "NEW SECTION. **Section 18. Rehabilitation provider -- evaluation.** (1) Stay-at-work/return-to-work assistance must be provided by a rehabilitation provider pursuant to this section if:

(a) the department provides assistance; or

(b) an insurer elects to designate a rehabilitation provider instead of using the insurer's own stay-at-work/return-to-work assistance policy.

(2) (a) The rehabilitation provider shall evaluate and determine the stay-at-work/return-to-work capabilities of the worker pursuant to the stay-at-work/return-to-work goals listed in [section 16].

(b) If the worker has returned to work, the rehabilitation provider shall provide documentation of the assistance to the worker, the insurer, and the department.

(c) If the worker has not returned to work and has not received a job offer to return to work, the rehabilitation provider shall document the reasons the stay-at-work/return-to- work assistance was unsuccessful. The documentation must be provided to the worker, the insurer, the treating physician, and the department.

(d) The following conditions allow termination of assistance prior to the time a worker meets the definition of a disabled worker:

(i) the worker has returned to work earning wages that are at least as much as at the time of injury;

(ii) the worker has received an offer to return to work at a position that is within the worker's physical abilities, for which the worker is qualified, and for which the wages are at least equal to the worker's wages at the time of injury;

(iii) the worker has returned to work in an alternative position that pays less than the worker's wages at the time of injury and that qualifies the worker for temporary partial disability benefits pursuant to 39-71-712; or

(iv) the worker receives a job offer to return to work in a position that is within the worker's physical abilities, for which the worker is qualified, for which the wages are less than

the worker's wages at the time of injury, and that qualifies the worker for temporary partial disability benefits under 39-71-712.

(e) If a worker has requested stay-at-work/return-to-work assistance and a rehabilitation plan has been agreed to by the worker and the insurer, the plan continues until completed.

(3) If the worker or insurer disputes the availability or level of assistance, the worker or insurer may, after mediation, petition the workers' compensation court for resolution of the dispute."

Insert: "NEW SECTION. **Section 19. Stay-at-work/return-to-work assistance fund -- purpose -- payment process -- rulemaking.** (1) There is a stay-at-work/return-to-work assistance fund in the proprietary fund category.

(2) The purpose of the assistance fund is to pay for stay-at-work/return-to-work assistance provided by the department so that assistance may be provided as early as practicable in the workers' compensation claims process.

(3) (a) The department may establish by rule:

(i) the amounts and types of assistance to be provided; and

(ii) the maximum hourly rate that may be charged for stay-at-work/return-to-work assistance obtained by the department and paid for by the assistance fund.

(b) The rules adopted under subsection (3)(a) regarding the payment amounts to rehabilitation providers do not apply if the insurer has taken direct responsibility for providing stay-at-work/return-to-work assistance.

(c) If rules are not adopted to implement subsection (3)(a), the department may not provide more than $2,000 in assistance."

Insert: "NEW SECTION. **Section 20. Assessment for stay-at-work/return-to-work assistance fund -- definition.** (1) (a) The assistance fund must be maintained by assessing employers insured by plan No. 1, plan No. 2, and plan No. 3 an amount as provided in subsections (2) through (10).

(b) The board of investments shall invest the money in the assistance fund. The investment income must be deposited in the assistance fund.

(2) The assessment amount is the total amount paid by the assistance fund in the preceding fiscal year less other realized income that is deposited in the assistance fund. Allocation of the total assessment amount among employers insured by plan No. 1, plan No. 2, and plan No. 3 must be based on each plan's proportionate share of money expended from the assistance fund for the calendar year preceding the year in which the assessment is collected.

(3) On or before May 31 of each year, the department shall notify each plan No. 1 employer, plan No. 2 insurer, and plan No. 3, the state fund, of the amount to be assessed for the ensuing fiscal year. On or before April 30 of each year, the department shall consult with the advisory organization designated under 33-16-1023 and notify plan No. 2 insurers and plan No. 3, the state fund, of the premium surcharge rate to be effective for policies written or renewed on or after July 1 in that year.

(4) The portion of the plan No. 1 assessment assessed against an individual plan No. 1 employer is the amount actually expended by the assistance fund on behalf of injured workers employed by that plan No. 1 employer. A group of employers insured jointly under plan No. 1 is considered to be an individual employer for the purposes of this subsection.

(5) After subtracting plan No. 1 assessments from the total assessment, the department

shall determine the surcharge rate for plan No. 2 insurers and plan No. 3, the state fund, by dividing the remaining portion of the assessment by the total amount of premiums paid by employers insured under plan No. 2 or plan No. 3 in the previous calendar year. The numerator for the calculation must be adjusted as provided in subsection (9).

(6) Employers insured under plan No. 2 or plan No. 3 shall pay their portion of the assessment in a surcharge on premiums for policies written or renewed annually on or after July 1.

(7) (a) Each plan No. 2 insurer and plan No. 3, the state fund, shall collect from its policyholders the assessment premium surcharge provided for in subsection (5). When collected, the assessment premium surcharge may not constitute an element of loss for the purpose of establishing rates for workers' compensation insurance but, for the purpose of collection, must be treated as separate costs imposed upon insured employers. The total of this assessment premium surcharge must be stated as a separate cost on an insured employer's policy or on a separate document submitted by the insured employer and must be identified as "workers' compensation stay-at-work/return-to-work assistance fund surcharge". Each assessment premium surcharge must be shown as a percentage of the total workers' compensation policyholder premium. This assessment premium surcharge must be collected at the same time and in the same manner as the premium for the coverage. The assessment premium surcharge must be excluded from the definition of premium for all purposes, including computation of insurance producers' commissions or premium taxes, except that an insurer may cancel a workers' compensation policy for nonpayment of the assessment premium surcharge. Cancellation must be in accordance with the procedures applicable to the nonpayment of premium.

(b) If an employer fails to remit to an insurer the total amount due for the premium and assessment premium surcharge, the amount received by the insurer must be applied to the assessment premium surcharge described in 39-71-201 first, then to the assessment premium surcharge in this section, and then to the surcharge in 39-71-915, with any remaining amount applied to the premium due.

(8) (a) The department shall deposit all assessments due under this section into the assistance fund.

(b) Each plan No. 1 employer shall pay its assessment due under this section by July 1.

(c) Each plan No. 2 insurer and plan No. 3, the state fund, shall remit to the department all assessment premium surcharges collected during a calendar quarter no later than 20 days following the end of the quarter.

(d) If a plan No. 1 employer, a plan No. 2 insurer, or plan No. 3, the state fund, fails to timely pay to the department the assessment or assessment premium surcharge under this section, the department may impose on the plan No. 1 employer, the plan No. 2 insurer, or plan No. 3, the state fund, an administrative fine of $100 plus interest on the delinquent amount at the annual interest rate of 12%. Administrative fines and interest must be deposited in the assistance fund.

(9) Each year, the department shall compare the amount of the assessment premium surcharge actually collected pursuant to subsection (5) with the amount assessed and upon which the premium surcharge was calculated. The amount undercollected or overcollected in any given year must be used as an adjustment to the numerator for the following year's assessment premium surcharge as provided in subsection (5).

(10) If the total assessment is less than $100,000 for any year, the department may

defer the assessment for that year and add that amount to the assessment amount for the subsequent year.

(11) As used in this section, "money expended" means expenditures for stay-at-work/return-to-work assistance from the assistance fund."

Insert: "NEW SECTION. **Section 21. Rulemaking authority.** The department may adopt rules to implement this part."

Insert: "Section 22. Section 39-71-1025, MCA, is amended to read:

"39-71-1025. Auxiliary ~~rehabilitation~~ benefits. (1) In addition to benefits otherwise provided in this chapter, separate benefits not exceeding a total of $4,000, adjusted as provided in subsection (2), may be paid by the insurer for specialized job modification, reasonable travel, and relocation expenses used ~~to~~ for any of the following:

~~(1)~~(a) search for new employment;

~~(2)~~(b) return to work but in a new location;

~~(3)~~(c) ~~implement~~ the implementation of a rehabilitation plan that has been filed with the department; ~~and~~ or

~~(4)~~(d) ~~attend~~ attendance at an on-the-job training program.

(2) The separate benefit may be adjusted by an amount that is the percentage increase, if any, in the current state's average weekly wage over the state's average weekly wage adopted for the previous year.""

Insert: "Section 23. Section 39-71-1031, MCA, is amended to read:

"39-71-1031. Exchange of information. The ~~insurer's designated~~ insurer, the rehabilitation provider, and the department shall provide to one another case information as necessary to carry out the purposes of this part.""

50. Page 31, line 11.
Following: "**designation**"
Insert: "**or approval**"

51. Page 31, line 13.
Following: "designation"
Insert: "or approval"

52. Page 31, line 15.
Strike: "health care provider"
Insert: "person who is listed in 39-71-116(41)"
Following: "treatment."
Insert: "Subject to subsection (2), if the person listed under 39-71-116(41) chosen by the worker agrees to comply with the requirements of subsection (2), that person is the treating physician."

53. Page 31, line 16.
Strike: "Upon receipt of a claim for benefits and"
Insert: "Any time after"

54. Page 31, line 17.

Following: "designate"
Insert: "or approve"
Following: "designated"
Insert: "or approved"

55. Page 31, line 22.
Strike: "and"

56. Page 31.
Following: line 22
Insert: "(c) shall provide or arrange for treatment within the utilization and treatment guidelines or obtain prior approval for other treatment; and"

57. Page 31, line 23.
Strike: "(c)"
Insert: "(d)"

58. Page 31, line 28.
Following: "designated"
Insert: "or approved"

59. Page 32, line 2.
Following: "designation"
Insert: "or approval"

60. Page 32.
Following: line 5
Insert: "(7) Regardless of the date of injury, the medical fee schedule rates in effect as adopted by the department in 39-71-704 and the percentages referenced in subsections (4) through (6) apply to the medical service on the date on which the medical service was provided. "
Insert: Renumber subsequent sections

61. Page 32, line 19.
Strike: "to a managed care organization"

62. Page 32, line 20.
Strike: "managed care"

63. Page 32, line 21.
Following: "accordance with"
Insert: "39-71-1102 and"
Strike: "managed care"

64. Page 32, line 24.

Following: "organization"
Insert: "or a preferred provider organization"

65. Page 32, line 28.
Following: "injury"
Insert: "or occupational disease"

66. Page 34.
Following: line 6
Insert: "Section 27. Section 39-71-2361, MCA, is amended to read:

"39-71-2361. Legislative audit of state fund -- annual review of audit and rate review by insurance commissioner. The legislative auditor shall annually:

(1) conduct or have conducted a financial and compliance audit of the state fund, including its operations relating to claims for injuries resulting from accidents that occurred before July 1, 1990. The audit must include evaluations of the claims reservation process, the amounts reserved, and the current report of the state fund's actuary. The evaluations may be conducted by persons appointed under 5-13-305. Audit and evaluation costs are an expense of and must be paid by the state fund and must be allocated between those claims for injuries resulting from accidents that occurred before July 1, 1990, and those claims for injuries resulting from accidents that occur on or after that date.

(2) provide the results of the financial and compliance audit for operations related to claims for injuries resulting from accidents on or after July 1, 1990, as provided in subsection (1), and the rate review as provided in 39-71-2362 to the insurance commissioner. The insurance commissioner shall review the financial and compliance audit and rate review and report any concerns or recommendations based on the review to the governor, the legislative audit committee, and the economic affairs interim committee.""

67. Page 34, lines 8 through 16.
Strike: section 18 in its entirety
Renumber: subsequent sections

68. Page 34, line 18.
Strike: "**Work ability**"
Insert: "**Medical status**"
Following: "create a"
Strike: "work ability"
Insert: "medical status"

69. Page 35, line 4.
Strike: "work ability"

70. Page 35, line 5.
Strike: "work ability"

71. Page 35, line 12.

Strike: "surgery"
Insert: "medical treatment"
Following: "continue to work"
Insert: "or return to work"

72. Page 35, line 23.
Strike: "2"
Insert: "5"

73. Page 35, lines 24 through 25.
Strike: "A petition" on line 24 through "reopening." on line 25
Insert: "A petition may not be filed more than 90 days before benefits are to terminate."

74. Page 35, lines 29 through 30.
Strike: "to a high" on line 29 through "certainty" on line 30
Insert: "a preponderance of the evidence"

75. Page 36, line 6.
Strike: "a maximum of"

76. Page 36, line 7.
Following: "surgery"
Insert: "or the recommended medical treatment"
Following: "first."
Insert: "If the medical panel specifically approves treatment beyond 2 years, medical benefits remain open for as long as recommended by the medical panel. The petitioner and the insurer shall submit updated information to the medical panel every 2 years, and every subsequent 2 years the medical panel shall review the claims that were reopened for longer than 2 years to determine whether to change the previous recommendation."

77. Page 36.
Following: line 11
Insert: "NEW SECTION. **Section 30. Transition for stay-at-work/return-to-work assistance fund.** (1) The department of labor and industry shall transfer $100,000 from the administration fund provided for by 39-71-201 to the stay-at-work/return-to-work assistance fund established in [section 19] to provide the initial funding for the fund.

(2) Effective for policies written or renewed in state fiscal year 2012 only, the premium surcharge rate to be levied by insurers on workers' compensation insurance premiums pursuant to [section 20] is 0.00082."
Renumber: subsequent sections

78. Page 36, line 13.
Strike: "18 and 19"
Insert: "16 through 21 and 28"

79. Page 36, line 15.
Strike: "18 and 19"
Insert: "16 through 21 and 28"

80. Page 36, line 16.
Strike: "20"
Insert: "29"

81. Page 36, line 17.
Strike: "20"
Insert: "29"

82. Page 36, line 23.
Following: "**Severability**"
Insert: "**-- nonseverability**"
Following: "."
Insert: "(1)"

83. Page 36.
Following: line 25
Insert: "(2) It is the intent of the legislature that [sections 15 through 23] are essentially dependent upon each other and that if one or more of these sections are held invalid or unconstitutional, the other sections specified in this subsection are also invalid.
(3) It is the intent of the legislature that if any one of the amendments made by [section 14] regarding settlement of undisputed medical benefits is held invalid or unconstitutional, the other amendments in [section 14] and [section 35(3)] regarding settlement of undisputed medical benefits are invalid so that settlement of undisputed medical benefits is no longer permitted."

84. Page 37, line 4.
Strike: "13"
Insert: "14"

85. Page 37.
Following: line 5
Insert: "(4) The provisions of [sections 15 through 23] apply to injuries occurring on or after July 1, 2012."

And, as amended, be concurred in. Report adopted.

EDUCATION AND CULTURAL RESOURCES (Zinke, Chairman): 3/25/2011
SJR 19, introduced joint resolution, be amended as follows:

1. Page 1, line 11.
Strike: "is proven to"

Insert: "can"

And, as amended, do pass. Report adopted.

HB 421, be concurred in. Report adopted.

LOCAL GOVERNMENT (Sonju, Chairman): 3/25/2011
SB 417, do pass. Report adopted.
SB 420, do pass. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Priest, Chairman): 3/25/2011
SJR 18, do pass. Report adopted.
SJR 20, do pass. Report adopted.

MOTIONS

Senator Hamlett moved **SB 82** be moved from the Highways and Transportation committee to the Committee of the Whole and be placed on second reading. Motion **failed** as follows:
Yeas: Blewett, Branae, Caferro, Erickson, Essmann, Facey, Gillan, Hamlett, Hawks, Jackson, Jent, Kaufmann, Larsen, Moss, Shockley, Tropila, Van Dyk, Vuckovich, Walker, Wanzenried, Williams.
Total 21

Nays: Arthun, Augare, Balyeat, Barrett, Brenden, Brown, Buttrey, Gallus, Hinkle, Hutton, Jones, Keane, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Steinbeisser, Stewart-Peregoy, Tutvedt, Vincent, Windy Boy, Wittich, Zinke, Mr. President.
Total 28

Absent or not voting: None.
Total 0

Excused: Sonju.
Total 1

Senator Blewett moved **SB 404** be moved from the State Administration committee to the Committee of the Whole and be placed on second reading. Motion **failed** as follows:
Yeas: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Walker, Wanzenried, Williams, Windy Boy.
Total 22

Nays: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jent, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Steinbeisser, Tutvedt, Vincent, Wittich, Zinke, Mr. President.
Total 27

Absent or not voting: None.
Total 0

Excused: Sonju.
Total 1

Senator Hamlett moved **SB 265** be moved from the Taxation committee to the Committee of the Whole committee and be placed on second reading. Motion **failed** as follows:

Yeas: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Murphy, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Walker, Wanzenried, Williams, Windy Boy.
Total 24

Nays: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Olson, Priest, Ripley, Shockley, Steinbeisser, Tutvedt, Vincent, Wittich, Zinke, Mr. President.
Total 25

Absent or not voting: None.
Total 0

Excused: Sonju.
Total 1

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Essmann moved that the Senate adjourn until 8:00 p.m., Saturday, March 26, 2011. Motion carried.

Senate adjourned at 7:53 p.m.

MARILYN MILLER
Secretary of the Senate

JIM PETERSON
President of the Senate

SENATE JOURNAL
62ND LEGISLATURE
SIXTY-EIGHTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
March 26, 2011 — State Capitol

Senate convened at 8:00 a.m. President Peterson presiding. Invocation by Chaplain Keith Johnson. Pledge of Allegiance to the Flag. Roll Call. All members present, except Senators Priest, Sonju, and Stewart-Peregoy, excused. Quorum present.

Senator Williams announced the Democrats would caucus.

Senator Essmann announced the Republicans would caucus

Senate in recess.

Senate reconvened.

Senator Stewart-Peregoy present.

BILLS AND JOURNALS: 3/26/2011

Correctly printed: **SB 129**, **SB 157**, **SB 253**, **SB 322**, **SB 371**, **SB 372**, **SB 409**, **SB 412**, **SB 415**, **SB 417**, **SB 420**, **SB 424**, **SJR 18**, **SJR 20**, **SR 3**, **HB 131**, **HB 166**, **HB 271**, **HB 277**, **HB 291**, **HB 342**, **HB 416**, **HB 421**, **HB 508**, **HB 538**, **HB 542**, **HB 547**.
Correctly engrossed: **SB 187**, **SB 348**, **SB 359**, **SB 390**, **SB 400**, **SB 410**, **SJR 19**, **HB 132**, **HB 249**, **HB 265**, **HB 334**, **HB 405**, **HB 525**.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 129 passed as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Vuckovich, Walker, Wittich, Mr. President.
Total 28

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried, Williams, Windy Boy, Zinke.
Total 22

Paired: Priest, Sonju, Aye; Augare, Gillan, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 253 passed as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Paired: Priest, Sonju, Aye; Augare, Gillan, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 319 passed as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Ripley, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 43

Nays: Hinkle, Hutton, Vincent, Walker, Wittich.
Total 5

Absent or not voting: None.
Total 0

Excused: Priest, Sonju.
Total 2

SB 322 passed as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser,

Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Paired: Priest, Sonju, Aye; Augare, Gillan, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 371 passed as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Brenden, Brown, Buttrey, Caferro, Essmann, Facey, Gallus, Gillan, Hamlett, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Ripley, Shockley, Steinbeisser, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Wittich, Zinke, Mr. President.
Total 39

Nays: Branae, Erickson, Hawks, Kaufmann, Larsen, Moss, Stewart-Peregoy, Williams, Windy Boy.
Total 9

Absent or not voting: None.
Total 0

Excused: Priest, Sonju.
Total 2

SB 372 passed as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Paired: Priest, Sonju, Aye; Augare, Gillan, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 409 passed as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Larsen, Lewis, Moore, Mowbray, Murphy, Olson, Ripley, Shockley, Steinbeisser, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 44

Nays: Hawks, Kaufmann, Moss, Stewart-Peregoy.
Total 4

Absent or not voting: None.
Total 0

Excused: Priest, Sonju.
Total 2

HB 131 concurred in as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Shockley, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Windy Boy, Wittich, Mr. President.
Total 44

Nays: Ripley, Steinbeisser, Walker, Zinke.
Total 4

Absent or not voting: None.
Total 0

Excused: Priest, Sonju.
Total 2

HB 166 concurred in as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann,

Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Ripley, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Wittich, Zinke, Mr. President.
Total 46

Nays: Essmann, Windy Boy.
Total 2

Absent or not voting: None.
Total 0

Excused: Priest, Sonju.
Total 2

HB 271 concurred in as follows:
Yeas: Arthun, Balyeat, Barrett, Blewett, Brenden, Brown, Buttrey, Essmann, Gillan, Hamlett, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Shockley, Steinbeisser, Tutvedt, Van Dyk, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 29

Nays: Augare, Branae, Caferro, Erickson, Facey, Gallus, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Ripley, Stewart-Peregoy, Tropila, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 19

Absent or not voting: None.
Total 0

Excused: Priest, Sonju.
Total 2

HB 277 concurred in as follows:
Yeas: Arthun, Augare, Barrett, Blewett, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moss, Mowbray, Murphy, Olson, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 38

Nays: Balyeat, Branae, Facey, Jackson, Moore, Ripley, Shockley, Steinbeisser, Vincent, Wittich.
Total 10

Absent or not voting: None.
Total 0

Excused: Priest, Sonju.
Total 2

HB 291 concurred in as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 43

Nays: Lake, Ripley, Vincent, Walker, Wittich.
Total 5

Absent or not voting: None.
Total 0

Excused: Priest, Sonju.
Total 2

HB 342 concurred in as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hamlett, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Ripley, Shockley, Steinbeisser, Tutvedt, Van Dyk, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 20

Absent or not voting: None.
Total 0

Excused: Priest, Sonju.
Total 2

HB 538 concurred in as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Ripley, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Priest, Sonju.
Total 2

HB 542 concurred in as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 26

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Mowbray, Murphy, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 24

Paired: Priest, Sonju, Aye; Augare, Gillan, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 575 concurred in as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Ripley, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 47

Nays: Larsen.
Total 1

Absent or not voting: None.
Total 0

Excused: Priest, Sonju.
Total 2

MESSAGES FROM THE GOVERNOR

March 25, 2011

The Honorable Jim Peterson
President of the Senate
State Capitol
Helena, Montana 59620

Dear Senator Peterson:

Please be informed that I have signed **Senate Bill 203** sponsored by Senator Zinke, **Senate Bill 211** sponsored by Senator Hutton, **Senate Bill 256** sponsored by Senator Gillan, **Senate Bill 258** sponsored by Senator Buttrey, **Senate Bill 289** sponsored by Senator Zinke, and **Senate Bill 335** sponsored by Senator Shockley on March 25, 2011.

Sincerely,

BRIAN SCHWEITZER
Governor

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 3/25/2011

HB 140, introduced by Hiner
HB 209, introduced by Washburn
HB 243, introduced by Kary
HB 283, introduced by Bangerter
HB 296, introduced by Sesso
HB 377, introduced by Warburton
HB 423, introduced by Belcourt
HB 502, introduced by Hunter
HB 567, introduced by Reichner
HB 585, introduced by G. Bennett
HB 615, introduced by K. Williams
HB 621, introduced by Ankney

Senate amendments to House bills concurred in: 3/25/2011

HB 49, introduced by Hands
HB 110, introduced by Welborn
HB 439, introduced by Hollenbaugh, requiring adoption by an affirmative roll call vote of two-thirds of all the members of the Legislature, passed the House and was transmitted to the Senate with the following vote:

Yeas - 72
Nays - 25

MOTIONS

Senator Hamlett moved that **SB 82** be taken from Highways and Transportation and brought before the Committee of the Whole and placed on second reading on Monday, March 28, 2011. Motion **failed** as follows:
Yeas: Blewett, Branae, Caferro, Erickson, Facey, Gillan, Hamlett, Hawks, Jackson, Jent, Kaufmann, Larsen, Moss, Shockley, Tropila, Van Dyk, Vuckovich, Walker, Wanzenried, Williams, Windy Boy.
Total 21

Nays: Arthun, Augare, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Gallus, Hinkle, Hutton, Jones, Keane, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Ripley, Steinbeisser, Stewart-Peregoy, Tutvedt, Vincent, Wittich, Zinke, Mr. President.
Total 27

Absent or not voting: None.
Total 0

Excused: Priest, Sonju.
Total 2

Senator Gallus rose on a point of parliamentary procedure and stated a motion to take a bill from the table is a non-debatable motion. President Peterson clarified the rule.

Senator Hamlett moved that **SB 265** be taken from Taxation and brought before the Committee of the Whole and placed on second reading on Monday, March 28, 2011. Motion **failed** as follows:
Yeas: Augare, Barrett, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Murphy, Shockley, Tropila, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 23

Nays: Arthun, Balyeat, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Olson, Ripley, Steinbeisser, Stewart-Peregoy, Tutvedt, Van Dyk, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 25

Absent or not voting: None.
Total 0

Excused: Priest, Sonju.
Total 2

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Essmann moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Kaufmann in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 318 - Senator Essmann moved consideration of **HB 318** and **HB 566** be passed for the day. Motion carried.

HB 430 - Senator Hawks moved **HB 430** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Ripley, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Priest, Sonju.
Total 2

HB 498 - Senator Steinbeisser moved **HB 498** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Ripley, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Priest, Sonju.
Total 2

HB 548 - Senator Hinkle moved **HB 548** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Ripley, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Priest, Sonju.
Total 2

HB 593 - Senator Walker moved **HB 593** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Ripley, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Priest, Sonju.
Total 2

SB 94 - Senator Erickson moved **SB 94** do pass. Motion carried as follows:
Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Olson, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Windy Boy, Mr. President.
Total 39

Nays: Balyeat, Brenden, Hinkle, Hutton, Murphy, Ripley, Walker, Wittich, Zinke.
Total 9

Absent or not voting: None.
Total 0

Excused: Priest, Sonju.
Total 2

SB 382 - Senator Gillan moved **SB 382** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Ripley, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Priest, Sonju.
Total 2

SB 358 - Senator Buttrey moved consideration of **SB 358** be placed below HB 297 on the second reading board. Motion carried.

SB 413 - Senator Balyeat moved **SB 413** do pass. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Ripley, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Priest, Sonju.
Total 2

Senator Gallus rose on a point of parliamentary procedure regarding absent votes recorded for Senator Jent and Senator Steinbeisser on SB 382. President Peterson clarified the absent Senators could make motions to have their votes recorded.

HB 12 - Senator Jent moved **HB 12** be concurred in. Motion carried as follows:

Yeas: Augare, Balyeat, Blewett, Branae, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Shockley, Tropila, Van Dyk, Vincent, Walker, Wanzenried, Williams, Wittich, Mr. President.
Total 35

Nays: Arthun, Barrett, Brenden, Gallus, Jones, Kaufmann, Ripley, Steinbeisser, Stewart-Peregoy, Tutvedt, Vuckovich, Windy Boy, Zinke.
Total 13

Absent or not voting: None.
Total 0

Excused: Priest, Sonju.
Total 2

HB 30 - Senator Hutton moved **HB 30** be concurred in. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Branae, Brenden, Brown, Caferro, Essmann, Facey, Gallus, Hamlett, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Ripley, Shockley, Steinbeisser, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Wittich, Zinke, Mr. President.
Total 36

Nays: Augare, Blewett, Buttrey, Erickson, Gillan, Hawks, Kaufmann, Stewart-Peregoy, Van Dyk, Wanzenried, Williams, Windy Boy.
Total 12

Absent or not voting: None.
Total 0

Excused: Priest, Sonju.
Total 2

HB 41 - Senator Moss moved **HB 41** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moss, Mowbray, Murphy, Olson, Ripley, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

Total 46

Nays: Moore, Wittich.
Total 2

Absent or not voting: None.
Total 0

Excused: Priest, Sonju.
Total 2

HB 69 - Senator Jent moved **HB 69** be concurred in. Motion carried as follows:
Yeas: Augare, Blewett, Branae, Brown, Buttrey, Erickson, Essmann, Facey, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jent, Lake, Larsen, Moore, Moss, Murphy, Olson, Shockley, Tropila, Tutvedt, Van Dyk, Vincent, Walker, Wanzenried, Williams, Mr. President.
Total 29

Nays: Arthun, Balyeat, Barrett, Brenden, Caferro, Gallus, Jackson, Jones, Kaufmann, Keane, Lewis, Mowbray, Ripley, Steinbeisser, Stewart-Peregoy, Vuckovich, Windy Boy, Wittich, Zinke.
Total 19

Absent or not voting: None.
Total 0

Excused: Priest, Sonju.
Total 2

HB 91 - Senator Gillan moved **HB 91** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Shockley, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 40

Nays: Brenden, Hinkle, Hutton, Ripley, Steinbeisser, Vincent, Walker, Wittich.
Total 8

Absent or not voting: None.
Total 0

Excused: Priest, Sonju.
Total 2

HB 102 - Senator Hinkle moved **HB 102** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brown, Buttrey, Caferro, Erickson,

Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 45

Nays: Brenden, Jones, Ripley.
Total 3

Absent or not voting: None.
Total 0

Excused: Priest, Sonju.
Total 2

HB 107 - Senator Gillan moved **HB 107** be concurred in. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Ripley, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 46

Nays: Augare, Walker.
Total 2

Absent or not voting: None.
Total 0

Excused: Priest, Sonju.
Total 2

HB 123 - Senator Gallus moved **HB 123** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Ripley, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Priest, Sonju.
Total 2

HB 135 - Senator Balyeat moved **HB 135** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Ripley, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Priest, Sonju.
Total 2

HB 185 - Senator Hutton moved **HB 185** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Ripley, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Windy Boy, Wittich, Zinke, Mr. President.
Total 47

Nays: Williams.
Total 1

Absent or not voting: None.
Total 0

Excused: Priest, Sonju.
Total 2

Senator Essmann moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. Senate resumed. President Peterson in the chair. Chairman Kaufmann moved the Committee of the Whole report be adopted. Report adopted as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Ripley, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich,

Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Priest, Sonju.
Total 2

Senate in recess.

Senate reconvened.

REPORTS OF STANDING COMMITTEES

JUDICIARY (Murphy, Chairman): 3/25/2011
SB 423, introduced bill, be amended as follows:

1. Title, page 1, line 11.
Following: "45-9-127,"
Insert: "45-9-203,"

2. Title, page 1, line 12.
Following: "45-10-107,"
Insert: "50-46-201, 50-46-202,"
Following: "69-1-401, MCA;"
Insert: "REPEALING SECTIONS 50-46-101, 50-46-102, 50-46-103, 50-46-201, 50-46-202, 50-46-205, 50-46-206, 50-46-207, AND 50-46-210, MCA;"

3. Page 3, line 27.
Strike: "person"
Insert: "physician"

4. Page 4, line 11.
Following: "means"
Insert: ", at a minimum"

5. Page 4, line 12.
Following: "physician"
Insert: "or referral physician"

6. Page 4, line 13.
Following: "physician"
Insert: "or referral physician"

7. Page 4, line 22.
Strike: "a referral physician" through "referral physician"
Insert: "the second physician who"

8. Page 4, line 23.
Following: "certification"
Insert: "for a minor or a qualifying patient whose debilitating medical condition is severe chronic pain"

9. Page 5, line 28.
Following: "family medicine"
Insert: "or internal medicine"
Strike: "gynecology"
Insert: "ophthalmology"

10. Page 8, line 13.
Following: "individual is"
Insert: "in the custody of or"

11. Page 8, line 14.
Following: "corrections"
Insert: ", a district court, a court of limited jurisdiction,"

12. Page 9, line 24.
Following: "physician's"
Insert: "business"
Following: "address"
Insert: ", if any"

13. Page 9, line 29.
Following: "has a"
Insert: "bona fide"

14. Page 10, line 25.
Following: "(4)"
Insert: "(a)"

15. Page 10, line 29.
Insert: "(b) The physician whose practices are under review shall pay the costs of the board's review activities."

16. Page 11, line 4.
Following: "(2)"
Strike: "A violation of"
Insert: "A registered cardholder who violates"
Strike: "$10,000"
Insert: "$500"

17. Page 11, line 5.
Strike: "1 year"
Insert: "6 months"

18. Page 13, line 15.
Following: "landlord's"
Insert: "written"

19. Page 13, line 18.
Following: "marijuana"
Insert: ". Except as provided in subsection (2)(b), the cardholder shall keep the marijuana"

20. Page 13, line 19.
Following: "1 ounce"
Insert: "of the cardholder's usable marijuana"

21. Page 14, line 16.
Strike: "$1,000"
Insert: "$500"

22. Page 14, line 18.
Strike: "An"
Insert: "Except as provided in [section 14] and subject to the provisions of subsection (7), an"

23. Page 15, line 19.
Following: line 18
Insert: "(7) The provisions of subsection (1) relating to protection from arrest or prosecution do not apply to an individual unless the individual has obtained a registry identification card, license, or registration prior to an arrest or the filing of a criminal charge. It is not a defense to a criminal charge that an individual obtains a registry identification card, license, or registration after an arrest or the filing of a criminal charge."

24. Page 16, line 20.
Strike: "or private health insurer"
Insert: ", a group benefit plan that is covered by the provisions of Title 2, chapter 18, an insurer covered by the provisions of Title 33, or an insurer as defined in 39-71-116"

25. Page 16, line 22.
Following: "marijuana"
Strike: "in any workplace"

26. Page 16.
Following: line 22
Insert: "(5) Nothing in this chapter may be construed to:
(a) prohibit an employer from including in any contract a provision prohibiting the medical use of marijuana; or
(b) permit a cause of action against an employer for wrongful discharge pursuant to 39-2-904 or discrimination pursuant to 49-1-102.
Renumber: subsequent subsections

27. Page 17, line 12.
Strike: "$1,000"
Insert: "$500"
Strike: "1 year"
Insert: "6 months"

28. Page 18.
Following: line 8
Insert: "(1)(a) The state licensing authority shall determine the number of licenses to be issued for therapeutic marijuana growers, therapeutic marijuana-infused products manufacturers, and couriers based upon an initial review and periodic reviews of the number of registered cardholders who have indicated to the department that they plan to obtain therapeutic marijuana from a grower or manufacturer.
(b) Based upon its initial review and periodic reviews of the number of registered cardholders and the resulting need for therapeutic marijuana, the state licensing authority may:
(i) issue temporary licenses; and
(ii) reduce the number of plants, seedlings, cuttings, and clones and the inventory of usable marijuana a grower may cultivate, manufacture, or possess."
Renumber: subsequent subsections

29. Page 21, line 27.
Following: "registrations for"
Insert: "a laboratory as allowed under [section 19] and for"

30. Page 27, line 10.
Following: "individual"
Insert: "who is in the custody of or"
Following: "corrections"
Insert: ", a district court, a court of limited jurisdiction,"

31. Page 44, line 25.
Insert: "Section 51. Section 45-9-203, MCA, is amended to read:

"45-9-203. Surrender of license or registry identification card. (1) If a court suspends or revokes a driver's license under 45-9-202(2)(e), the defendant shall, at the time of sentencing, surrender the license to the court. The court shall forward the license and a copy of the sentencing order to the department of justice. The defendant may apply to the department for issuance of a probationary license under 61-2-302.

(2) If a person with a registry identification card issued pursuant to [section 4] for the therapeutic use of marijuana is convicted of an offense under this chapter, the court shall:

(a) at the time of sentencing, require the person to surrender the registry identification card; and

(b) notify the department of public health and human services of the conviction in order for the department to carry out its duties under [section 6]."

Renumber: subsequent sections

32. Page 45, line 10.
Insert: "Section 54. Section 50-46-201, MCA, is amended to read:

"50-46-201. Medical use of marijuana -- legal protections -- limits on amount -- presumption of medical use. (1) A person who possesses a registry identification card issued ~~pursuant to 50-46-103~~ before the effective date of [section 61(4)] may not be arrested, prosecuted, or penalized in any manner or be denied any right or privilege, including but not limited to civil penalty or disciplinary action by a professional licensing board or the department of labor and industry, if:

(a) the qualifying patient or caregiver acquires, possesses, cultivates, manufactures, delivers, transfers, or transports marijuana not in excess of the amounts allowed in subsection (2); or

(b) the qualifying patient uses marijuana for medical use.

(2) A qualifying patient and that qualifying patient's caregiver may not possess more than six marijuana plants and 1 ounce of usable marijuana each.

(3) (a) A qualifying patient or caregiver is presumed to be engaged in the medical use of marijuana if the qualifying patient or caregiver:

(i) is in possession of a registry identification card; and

(ii) is in possession of an amount of marijuana that does not exceed the amount permitted under subsection (2).

(b) The presumption may be rebutted by evidence that the possession of marijuana was not for the purpose of alleviating the symptoms or effects of a qualifying patient's debilitating medical condition.

(4) A physician may not be arrested, prosecuted, or penalized in any manner or be denied any right or privilege, including but not limited to civil penalty or disciplinary action by the board of medical examiners or the department of labor and industry, for providing written certification for the medical use of marijuana to qualifying patients.

(5) An interest in or right to property that is possessed, owned, or used in connection with the medical use of marijuana or acts incidental to medical use may not be forfeited under any provision of law providing for the forfeiture of property other than as a sentence imposed after conviction of a criminal offense.

(6) A person may not be subject to arrest or prosecution for constructive possession, conspiracy, as provided in 45-4-102, or other provisions of law or any other offense for simply being in the presence or vicinity of the medical use of marijuana as permitted under this chapter.

(7) Possession of or application for a registry identification card does not alone constitute probable cause to search the person or property of the person possessing or applying for the registry identification card or otherwise subject the person or property of the person possessing or applying for the card to inspection by any governmental agency, including a law enforcement agency.

(8) A registry identification card or its equivalent issued by another state government to permit the medical use of marijuana by a qualifying patient or to permit a person to assist with a qualifying patient's medical use of marijuana has the same force and effect as a registry identification card issued by the department.""

Insert: "Section 55. Section 50-46-202, MCA, is amended to read:

"50-46-202. Disclosure of confidential information relating to medical use of marijuana -- penalty. (1) The department shall maintain a confidential list of the persons to whom the department has issued registry identification cards. Individual names and other identifying information on the list must be confidential and are not subject to disclosure except to:

(a) authorized employees of the department as necessary to perform official duties of the department; or

(b) state or local law enforcement agencies, only as necessary to verify that a person is a lawful possessor of a registry identification card.

~~(1)~~(2) A person, including an employee or official of the department or other state or local government agency, commits the offense of disclosure of confidential information relating to medical use of marijuana if the person knowingly or purposely discloses confidential information in violation of ~~50-46-103~~ this section.

~~(2)~~(3) A person convicted of disclosure of confidential information relating to medical use of marijuana shall be fined not to exceed $1,000 or be imprisoned in the county jail for a term not to exceed 6 months, or both.""

Renumber: subsequent sections

33. Page 46, line 22.
Strike: "department of revenue"
Insert: "state licensing authority as defined in [section 2]"

34. Page 47, line 16.
Insert: "NEW SECTION. **Section 60. Repealer.** The following sections of the Montana Code Annotated are repealed:

50-46-101. Short title.
50-46-102. Definitions.
50-46-103. Procedures -- minors -- confidentiality -- report to legislature.
50-46-201. Medical use of marijuana -- legal protections -- limits on amount -- presumption of medical use.

50-46-202. Disclosure of confidential information relating to medical use of marijuana -- penalty.
50-46-205. Limitations of Medical Marijuana Act.
50-46-206. Affirmative defense.
50-46-207. Fraudulent representation of medical use of marijuana -- penalty.
50-46-210. Rulemaking -- fees."
Renumber: subsequent sections

35. Page 48, line 3.
Strike: "September 30"
Insert: "October 1"

36. Page 48, line 5.
Following: ", and"
Strike: "2 ounces"
Insert: "the following amounts"
Following: "residence"
Insert: ":
(a) 8 ounces from July 1 through July 31;
(b) 6 ounces from August 1 through August 31;
(c) 4 ounces from September 1 through September 30; and
(d) 2 ounces on or after October 1"

37. Page 48, line 28 and 29.
Strike: section 59 in its entirety

38. Page 48, line 30.
Insert: "NEW SECTION. **Section 63. Instructions to code commissioner.**
(1)Wherever a reference to "medical use of marijuana" appears in legislation enacted by the 2011 legislature, the code commissioner is directed to change the reference to "therapeutic use of marijuana".
(2) Wherever a reference to "medical marijuana" appears in legislation enacted by the 2011 legislature, the code commissioner is directed to change the reference to "therapeutic marijuana".
(3) Wherever a reference to 50-46-102 appears in legislation enacted by the 2011 legislature, the reference must be replaced with a reference to [section 2] of Senate Bill No. 423.
(4) Wherever a reference to 50-46-205 appears in legislation enacted by the 2011 legislature, the reference must be replaced with a reference to [section 14] of Senate Bill No. 423."
Renumber: subsequent sections

39. Page 49, line 8.
Following: "4]"
Insert: " and, except as provided in subsection (4), [section 60]"

Strike: "is"
Insert: "are"

40. Page 49, line 9.
Strike: "[Section 61] is"
Insert: "[Section 59], the repeal of 50-46-103 provided for in [section 60], [sections 61 and 63], and this section are"

And, as amended, do pass. Report adopted.

FIRST READING AND COMMITMENT OF BILLS

The following Senate bill was introduced, read first time, and referred to committee:

SB 429, introduced by Wittich, referred to Business, Labor, and Economic Affairs.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Essmann moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Kaufmann in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 269 - Senator Jent moved **HB 269** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Ripley, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Priest, Sonju.
Total 2

HB 279 - Senator Augare moved **HB 279** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent,

Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Ripley, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Priest, Sonju.
Total 2

HB 292 - Senator Essmann moved **HB 292** be concurred in. Motion **failed** as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Ripley, Shockley, Steinbeisser, Tutvedt, Vincent, Walker, Mr. President.
Total 24

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Wittich, Zinke.
Total 24

Absent or not voting: None.
Total 0

Excused: Priest, Sonju.
Total 2

HB 295 - Senator Lake moved **HB 295** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Ripley, Shockley, Steinbeisser, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 46

Nays: Stewart-Peregoy, Wittich.
Total 2

Absent or not voting: None.
Total 0

Excused: Priest, Sonju.
Total 2

HB 297 - Senator Jones moved **HB 297** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Ripley, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 47

Nays: Wittich.
Total 1

Absent or not voting: None.
Total 0

Excused: Priest, Sonju.
Total 2

SB 358 - Senator Buttrey moved **SB 358** do pass.

SB 358 - Senator Tutvedt moved **SB 358**, second reading copy, be amended as follows:

1. Title, page 1, lines 7 through 10.
Strike: "REMOVING" on line 7 through ";" on line 10

2. Page 29, line 4.
Strike: "AS SPECIFIED IN SUBSECTION (2)(B)"

3. Page 29, line 5.
Following: "~~property,~~"
Insert: ", except for the university system mills levied and assessed against property,"

4. Page 29, line 8 through line 13.
Strike: subsection (b) in its entirety
Renumber: subsequent subsection

5. Page 40, line 15 through line 16.
Strike: "January" on line 15 through "2011," on line 16
Insert: "[the effective date of this act]"

Amendment adopted as follows:
Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake,

Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Ripley, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 42

Nays: Balyeat, Essmann, Hinkle, Shockley, Walker, Wittich.
Total 6

Absent or not voting: None.
Total 0

Excused: Priest, Sonju.
Total 2

SB 358 - Senator Buttrey moved **SB 358**, as amended, do pass. Motion carried as follows:
Yeas: Augare, Blewett, Branae, Brown, Buttrey, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Kaufmann, Keane, Lake, Larsen, Moss, Mowbray, Olson, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Mr. President.
Total 30

Nays: Arthun, Balyeat, Barrett, Brenden, Essmann, Hinkle, Jones, Lewis, Moore, Murphy, Ripley, Shockley, Steinbeisser, Stewart-Peregoy, Walker, Windy Boy, Wittich, Zinke.
Total 18

Absent or not voting: None.
Total 0

Excused: Priest, Sonju.
Total 2

HB 310 - Senator Shockley moved **HB 310** be concurred in. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Branae, Brenden, Brown, Buttrey, Caferro, Facey, Gallus, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Ripley, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Vincent, Walker, Wanzenried, Williams, Wittich, Zinke, Mr. President.
Total 39

Nays: Augare, Blewett, Erickson, Essmann, Gillan, Kaufmann, Van Dyk, Vuckovich, Windy Boy.
Total 9

Absent or not voting: None.
Total 0

Excused: Priest, Sonju.
Total 2

HB 391 - Senator Olson moved **HB 391** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Essmann, Gallus, Gillan, Hamlett, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Ripley, Shockley, Steinbeisser, Stewart-Peregoy, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Windy Boy, Wittich, Zinke, Mr. President.
Total 39

Nays: Caferro, Erickson, Facey, Hawks, Kaufmann, Larsen, Tropila, Wanzenried, Williams.
Total 9

Absent or not voting: None.
Total 0

Excused: Priest, Sonju.
Total 2

HB 431 - Senator Shockley moved **HB 431** be concurred in. Motion **failed** as follows:
Yeas: Arthun, Balyeat, Brenden, Brown, Buttrey, Essmann, Hawks, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Olson, Ripley, Shockley, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 22

Nays: Augare, Barrett, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hinkle, Hutton, Jent, Kaufmann, Keane, Larsen, Moss, Murphy, Steinbeisser, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 26

Absent or not voting: None.
Total 0

Excused: Priest, Sonju.
Total 2

HB 431 - Senator Williams moved **HB 431** be **indefinitely postponed**. Motion **failed** as follows:
Yeas: Augare, Barrett, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 23

Nays: Arthun, Balyeat, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Ripley, Shockley, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 25

Absent or not voting: None.
Total 0

Excused: Priest, Sonju.
Total 2

HB 480 - Senator Blewett moved consideration of **HB 480** be passed for the day. Motion carried.

HB 487 - Senator Facey moved **HB 487** be concurred in. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Ripley, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 47

Nays: Wittich.
Total 1

Absent or not voting: None.
Total 0

Excused: Priest, Sonju.
Total 2

HB 522 - Senator Mowbray moved **HB 522** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Ripley, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Priest, Sonju.
Total 2

HB 594 - Senator Mowbray moved **HB 594** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moss, Mowbray, Murphy, Olson, Ripley, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 43

Nays: Hinkle, Moore, Tutvedt, Walker, Wittich.
Total 5

Absent or not voting: None.
Total 0

Excused: Priest, Sonju.
Total 2

Senator Essmann moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. Senate resumed. President Peterson in the chair. Chairman Kaufmann moved the Committee of the Whole report be adopted. Report adopted as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Ripley, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Priest, Sonju.
Total 2

Senator Essmann announced the Senate would recess for caucuses.

Senate in recess

Senate reconvened.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Essmann moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Kaufmann in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 334 - Senator Tutvedt moved **HB 334** be concurred in.

HB 334 - Senator Wanzenried moved **HB 334**, second reading copy, be amended as follows:

1. Page 23, line 21.
Strike: "A CLASS 2 OR GREATER CLASS OF"
Insert: "an"

2. Page 23, line 22.
Strike: "AS CONVERTED TO THE WHOLE PERSON"

Amendment **not** adopted as follows:
Yeas: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Nays: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Ripley, Shockley, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 26

Absent or not voting: None.
Total 0

Excused: Priest, Sonju.
Total 2

HB 334 - Thereupon, the Senate reverted to the original motion of Senator Tutvedt which carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Essmann, Facey, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Ripley, Shockley, Steinbeisser, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Wittich, Zinke, Mr. President.
Total 43

Nays: Erickson, Gallus, Kaufmann, Stewart-Peregoy, Windy Boy.
Total 5

Absent or not voting: None.
Total 0

Excused: Priest, Sonju.
Total 2

Senator Essmann moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Peterson in the chair. Chairman Kaufmann moved the Committee of the Whole report be adopted. Report adopted as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Ripley, Shockley, Steinbeisser, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Wittich, Zinke, Mr. President.
Total 44

Nays: Erickson, Kaufmann, Stewart-Peregoy, Windy Boy.
Total 4

Absent or not voting: None.
Total 0

Excused: Priest, Sonju.
Total 2

MOTIONS

Senator Zinke moved that **HB 161** be taken from Judiciary and brought before the Committee of the Whole on Wednesday, March 30, 2011.

Senator Wanzenried made a substitute motion to table Senator Zinke's motion. Motion **failed** as follows:
Yeas: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Kaufmann, Keane, Larsen, Lewis, Moss, Murphy, Stewart-Peregoy, Tropila, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 24

Nays: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jent, Jones, Lake, Moore, Mowbray, Olson, Ripley, Shockley, Steinbeisser, Tutvedt, Walker, Wittich, Zinke, Mr. President.
Total 24

Absent or not voting: None.
Total 0

Excused: Priest, Sonju.
Total 2

Thereupon, the original motion of Senator Zinke failed as follows:
Yeas: Arthun, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jent, Jones, Lake, Moore, Mowbray, Olson, Ripley, Shockley, Steinbeisser, Tutvedt, Walker, Wittich, Zinke, Mr. President.
Total 23

Nays: Augare, Balyeat, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Kaufmann, Keane, Larsen, Lewis, Moss, Murphy, Stewart-Peregoy, Tropila, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 25

Absent or not voting: None.
Total 0

Excused: Priest, Sonju.
Total 2

Senator Jackson moved to reconsider action on **HB 179** and place on second reading on Wednesday, March 30, 2011. Motion **failed** as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Mowbray, Olson, Steinbeisser, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 21

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moore, Moss, Murphy, Ripley, Shockley, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 27

Absent or not voting: None.
Total 0

Excused: Priest, Sonju.
Total 2

Senator Steinbeisser moved to change his vote on **SB 382** from Not Voting to Yes. Without objection, so ordered.

Senator Jent moved to change his vote on **SB 382** from Not Voting to Yes. Without objection, so ordered.

Senator Hamlett moved to change his vote on **amendment HB0334001** from No to Yes. Without objection, so ordered.

SPECIAL ORDERS OF THE DAY

Senator Brown thanked the pages for their work during the week of March 21-26, 2011.

Mr. President, I move that the following undersigned name be **ADDED** as sponsor to **SB 326** Motion carried.

SB 326 (Larsen Chief Sponsor)
Representative Furey.

Senator Williams inquired about the Senate's plan to complete **HB 2** in one day. Senator Peterson explained the proposed schedule.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Essmann moved that the Senate adjourn until 10:00 a.m., Monday, March 28, 2011. Motion carried.

Senate adjourned at 12:51 p.m.

MARILYN MILLER
Secretary of the Senate

JIM PETERSON
President of the Senate

SENATE JOURNAL
62ND LEGISLATURE
SIXTY-NINTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
March 28, 2011 — State Capitol

Senate convened at 10:00 a.m. President Peterson presiding. Invocation by Chaplain Keith Johnson. Pledge of Allegiance to the Flag. Roll Call. All members present. Quorum present.

Senator Williams announced the Democrats would caucus.

President Peterson announced the Republicans would caucus.

Senate in recess.

Senate reconvened at 10:35 a.m.

BILLS AND JOURNALS: 3/28/2011

Correctly printed: **SB 94**, **SB 382**, **SB 413**, **HB 12**, **HB 30**, **HB 41**, **HB 69**, **HB 91**, **HB 102**, **HB 107**, **HB 123**, **HB 135**, **HB 185**, **HB 279**, **HB 292**, **HB 295**, **HB 297**, **HB 310**, **HB 334**, **HB 522**, **HB 548**, **HB 593**, **HB 594**.
Correctly engrossed: **SB 326**, **SB 358**, **SB 423**, **HB 269**, **HB 391**, **HB 430**, **HB 487**, **HB 498**.

LEGISLATIVE ADMINISTRATION (Brown, Chairman): 3/28/2011
MR. PRESIDENT:
We, your committee on Legislative Administration recommend that employment of the following attaches of the Senate be terminated as of 1:30 p.m., Monday, March 28, 2011:

TITLE	NAME
Pages:	Emily Grinder, Cardwell
	Danielle Jacobs, Great Falls
	Emily Schwaller, Helena
	Shannon Sullivan, Butte
	Andora Tutvedt, Kalispell
	Micah Thompson, Helena

and recommend that the following attaches of the Senate be employed as of 8:00 a.m., Monday, March 28, 2011:

TITLE	NAME
Pages:	Saxon Johnson, Fairfield
	Shawna McConnell, Whitefish
	Rachel McKinney, Billings
	Brittnee Richardson, Frenchtown

Jack Shultz, Raynesford
Joseph Swain, Helena

Report Adopted.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 94 passed as follows:
Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Moore, Moss, Mowbray, Olson, Shockley, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Mr. President.
Total 36

Nays: Balyeat, Brenden, Hinkle, Hutton, Lewis, Murphy, Priest, Ripley, Sonju, Steinbeisser, Vincent, Walker, Wittich, Zinke.
Total 14

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 348 passed as follows:
Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Essmann, Gallus, Gillan, Hamlett, Hinkle, Hutton, Jackson, Jones, Keane, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Vuckovich, Walker, Wanzenried, Wittich, Zinke, Mr. President.
Total 37

Nays: Balyeat, Erickson, Facey, Hawks, Jent, Kaufmann, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Williams, Windy Boy.
Total 13

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 382 passed as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 410 passed as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jones, Keane, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Wittich, Zinke, Mr. President.
Total 35

Nays: Blewett, Branae, Caferro, Erickson, Facey, Gallus, Jent, Kaufmann, Larsen, Moss, Stewart-Peregoy, Van Dyk, Wanzenried, Williams, Windy Boy.
Total 15

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 413 passed as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: Williams.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 12 concurred in as follows:
Yeas: Augare, Balyeat, Barrett, Blewett, Branae, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Shockley, Tropila, Van Dyk, Vincent, Walker, Wanzenried, Williams, Wittich, Mr. President.
Total 36

Nays: Arthun, Brenden, Gallus, Jones, Kaufmann, Priest, Ripley, Sonju, Steinbeisser, Stewart-Peregoy, Tutvedt, Vuckovich, Windy Boy, Zinke.
Total 14

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 30 concurred in as follows:
Yeas: Arthun, Balyeat, Barrett, Branae, Brenden, Brown, Caferro, Essmann, Facey, Gallus, Hamlett, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Steinbeisser, Tropila, Van Dyk, Vincent, Vuckovich, Walker, Williams, Wittich, Zinke, Mr. President.
Total 38

Nays: Augare, Blewett, Buttrey, Erickson, Gillan, Hawks, Kaufmann, Sonju, Stewart-Peregoy, Tutvedt, Wanzenried, Windy Boy.
Total 12

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 41 concurred in as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker,

Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: Moore.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 69 concurred in as follows:
Yeas: Augare, Balyeat, Blewett, Branae, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Shockley, Tropila, Tutvedt, Van Dyk, Vincent, Walker, Wanzenried, Williams, Mr. President.
Total 33

Nays: Arthun, Barrett, Brenden, Gallus, Jones, Kaufmann, Keane, Lake, Priest, Ripley, Sonju, Steinbeisser, Stewart-Peregoy, Vuckovich, Windy Boy, Wittich, Zinke.
Total 17

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 91 concurred in as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brown, Buttrey, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Ripley, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 42

Nays: Brenden, Essmann, Hinkle, Hutton, Priest, Sonju, Walker, Wittich.
Total 8

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 102 concurred in as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 46

Nays: Brenden, Priest, Ripley, Sonju.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 107 concurred in as follows:
Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Priest, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 42

Nays: Balyeat, Essmann, Hinkle, Lake, Olson, Ripley, Sonju, Walker.
Total 8

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 123 concurred in as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 135 concurred in as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 185 concurred in as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 269 concurred in as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich,

Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 279 concurred in as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: Lake.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 292 not concurred in as follows due to the two-third voting requirement:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Mr. President.
Total 26

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Wittich, Zinke.
Total 24

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 295 concurred in as follows:
Yeas: Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Ripley, Shockley, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Windy Boy, Zinke, Mr. President.
Total 41

Nays: Arthun, Essmann, Kaufmann, Priest, Sonju, Steinbeisser, Walker, Williams, Wittich.
Total 9

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 297 concurred in as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: Walker.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 310 concurred in as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Branae, Brenden, Brown, Buttrey, Essmann, Facey, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jones, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Vincent, Walker, Wanzenried, Williams, Zinke, Mr. President.
Total 39

Nays: Blewett, Caferro, Erickson, Gallus, Gillan, Jent, Kaufmann, Van Dyk, Vuckovich, Windy Boy, Wittich.
Total 11

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 334 concurred in as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Essmann, Facey, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Wittich, Zinke, Mr. President.
Total 45

Nays: Erickson, Gallus, Kaufmann, Stewart-Peregoy, Windy Boy.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 391 concurred in as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Branae, Brenden, Brown, Buttrey, Essmann, Gillan, Hamlett, Hinkle, Hutton, Jackson, Jent, Jones, Lake, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tutvedt, Vincent, Vuckovich, Walker, Wittich, Zinke, Mr. President.
Total 36

Nays: Blewett, Caferro, Erickson, Facey, Gallus, Hawks, Kaufmann, Keane, Larsen, Tropila, Van Dyk, Wanzenried, Williams, Windy Boy.
Total 14

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 430 concurred in as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich,

Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 487 concurred in as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 498 concurred in as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 522 concurred in as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 548 concurred in as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 593 concurred in as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Wittich, Zinke, Mr. President.
Total 48

Nays: Williams, Windy Boy.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 594 concurred in as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 43

Nays: Buttrey, Essmann, Hinkle, Moore, Vincent, Walker, Wittich.
Total 7

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Van Dyk moved to change his vote on **HB 391** from Yes to No. Without objection, so ordered.

SPECIAL ORDERS OF THE DAY

Senator Brown introduced the Senate pages for the week of March 28-April 2, 2011.

REPORTS OF STANDING COMMITTEES

STATE ADMINISTRATION (Shockley, Chairman): 3/28/2011
SB 326, introduced bill, be amended as follows:

1. Page 3, line 8.
Strike: "$100"
Insert: "$15"

2. Page 7, line 25.
Strike: "$100"
Insert: "$15"

And, as amended, do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 3/26/2011

HB 83, introduced by Berry
HB 165, introduced by Hollandsworth
HB 183, introduced by C. Smith
HB 184, introduced by C. Smith
HB 186, introduced by Hunter
HB 316, introduced by Cook
HB 357, introduced by MacLaren
HB 358, introduced by MacLaren

MOTIONS

Senator Blewett moved to change his vote on **HB 391** from Yes to No. Without objection, so ordered.

Senator Jent moved to change his vote on **HB 295** from No to Yes. Without objection, so ordered.

Senator Hamlett moved **SB 265** be moved from the Taxation committee to the Committee of the Whole and be placed on second reading on Tuesday, March 29, 2011.
Yeas: Augare, Barrett, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Murphy, Shockley, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Zinke.
Total 27

Nays: Arthun, Balyeat, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Olson, Priest, Ripley, Sonju, Steinbeisser, Tutvedt, Vincent, Wittich, Mr. President.
Total 23

Absent or not voting: None.
Total 0

Excused: None.
Total 0

FIRST READING AND COMMITMENT OF BILLS

The following Senate joint resolution was introduced, read first time, and referred to committee:

SJR 25, introduced by Moss, Branae, Mowbray, Tropila, Jent, Hinkle, Zinke, Facey, C. Williams, Wittich, Kaufmann, Stewart-Peregoy, Caferro, J. Peterson, Hawks, Augare, Vuckovich, Murphy, Keane, Walker, Wanzenried, Gillan, Tutvedt, Jackson, Buttrey, Steinbeisser, Debby Barrett,

Essmann, Jones, Brown, Shockley, Olson, Vincent, Balyeat, Tutvedt, Windy Boy, Moore, referred to State Administration.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Essmann moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Gallus in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

Section B - Health and Human Services Appropriation Subcommittee, Senator Lewis, Chair

HB 2 - Senator Lewis moved **HB 2** be concurred in.

Senator Facey disclosed that his spouse is employed by the Missoula County Health Department.

HB 2 - Senator Olson moved **HB 2**, second reading copy, be amended as follows:

1. Page B-4, following line 11.
Insert: "d. Health Information Technology Incentive Payments (OTO)
18,853,000 16,476,500" [federal special revenue FY12&FY13]

Amendment adopted as follows:
Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 45

Nays: Balyeat, Hinkle, Vincent, Walker, Wittich.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 2 - Senator Caferro moved **HB 2**, second reading copy, be amended as follows:

1. Page B-4, line 5.
Strike: "105,970,414 111,519,409" [general fund FY12 & FY13]
Insert: "109,879,731 115,480,530" [general fund FY 12&FY 13]
Strike: "415,749,085 443,087,924" [federal special fund FY12 & FY13]
Insert: "433,395,778 460,399,998" [federal special fund FY12 & FY13]

2. Page B-4, line 7.
Strike: "14,232,744 13,381,377 " [federal special fund FY12 & FY13]
Insert: "19,874,759 20,433,896" [federal special fund FY12 & FY13]

3. Page B-4, line 17.
Strike: "60,935,780 62,484,898" [general fund FY12 & FY13]
Insert: "61,187,138 62,736,256" [general fund FY12 & FY13]
Strike: "160,421,396 160,163,011" [federal special fund FY12 & FY13]
Insert: "160,913,481 160,645,331" [federal special fund FY12 & FY13]

Amendment **not** adopted as follows:
Yeas: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Nays: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 2 - Senator Caferro moved **HB 2**, second reading copy, be amended as follows:

1. Page B-4, following line 11.
Insert: "d. Medicaid Service Costs -- Physician Rates
5,800,279 7,259,235 [general fund FY12 & FY13]
11,355,235 13,929,425" [federal special revenue FY12 & FY13]

2. Page B-5, following line 21.
Insert: "If Senate Bill No. 241 is passed and approved in a form that amends 53-6-125 to set medicaid reimbursement rates for physicians at the same level established in fiscal year 2010 for fiscal years 2012 and 2013, then the appropriation for Medicaid Service Costs -– Physician Rates is void."

Amendment **not** adopted as follows:
Yeas: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Nays: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 2 - Senator Augare moved **HB 2**, second reading copy, be amended as follows:

1. Page B-4, line 5.
Strike: "105,970,414 111,519,409" [general fund FY12&FY13]
Insert: "106,232,957 111,785,446" [general fund FY12&FY13]
Strike: "415,749,085 443,087,924" [federal special fund FY12 & FY13]
Insert: "416,263,067 443,598,412" [federal special fund FY12 & FY13]

Amendment **not** adopted as follows:
Yeas: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Mowbray, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 23

Nays: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 27

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 2 - Senator Jent moved **HB 2**, second reading copy, be amended as follows:

1. Page B-4, line 5.
Strike: "105,970,414 111,519,409" [general fund FY12&FY13]
Insert: "106,174,400 111,723,395" [general fund FY12&FY13]
Strike: "415,749,085 443,087,924" [federal special fund FY12 & FY13]
Insert: "416,148,429 443,479,344" [federal special fund FY12 & FY13]

Amendment **not** adopted as follows:

Yeas: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Nays: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 2 - Senator Jent moved **HB 2**, second reading copy, be amended as follows:

1. Page B-4, line 5.
Strike: "105,970,414 111,519,409" [general fund FY12&FY13]
Insert: "107,638,243 113,187,238" [general fund FY12&FY13]
Strike: "415,749,085 443,087,924" [federal special fund FY12 & FY13]
Insert: "419,014,202 446,288,247" [federal special fund FY12 & FY13]

Amendment **not** adopted as follows:
Yeas: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Nays: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 2 - Senator Facey moved **HB 2**, second reading copy, be amended as follows:

1. Page B-4, line 17.
Strike: "60,935,780 62,484,898" [general fund FY 12 FY 13]
Insert: "62,187,138 62,736,256" [general fund FY 12 FY 13]

Strike: "160,421,396 160,163,011" [federal special fund FY 12 FY 13]
Insert: "160,913,481 160,645,331" [federal special fund FY 12 FY 13]

Amendment **not** adopted as follows:
Yeas: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Mowbray, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 23

Nays: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 27

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 2 - Senator Windy Boy moved **HB 2**, second reading copy, be amended as follows:

1. Page B-4, line 7.
Strike: "14,232,744 13,381,377 " [federal special fund FY12 & FY13]
Insert: "19,874,759 20,433,896" [federal special fund FY12 & FY13]

Amendment **not** adopted as follows:
Yeas: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Nays: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 2 - Senator Jent moved **HB 2**, second reading copy, be amended as follows:

1. Page B-4, line 5.
Strike: "105,970,414 111,519,409" [general fund FY12&FY13]
Insert: "106,277,682 111,826,677" [general fund FY12&FY13]

Amendment **not** adopted as follows:
Yeas: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Nays: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 2 - Senator Larsen moved **HB 2**, second reading copy, be amended as follows:

1. Page B-4, line 17.
Strike: "60,935,780 62,484,898" [general fund FY 12 FY 13]
Insert: "62,435,780 63,984,898" [general fund FY 12 FY 13]

Amendment **not** adopted as follows:
Yeas: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Nays: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 2 - Senator Caferro moved **HB 2**, second reading copy, be amended as follows:

1. Page B-4, line 5.
Strike: "105,970,414 111,519,409" [general fund FY12 & FY13]
Insert: "106,761,568 112,321,093" [general fund FY12 & FY13]
Strike: "415,749,085 443,087,924" [federal special fund FY12 & FY13]
Insert: "417,297,931 444,626,240" [federal special fund FY12 & FY13]

Amendment **not** adopted as follows:
Yeas: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Nays: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 2 - Senator Wanzenried moved **HB 2**, second reading copy, be amended as follows:

1. Page B-1, line 9.
Strike: "29,395,052 29,118,420" [general fund FY 12 FY 13]
Insert: "29,619,792 29,343,160" [general fund FY 12 FY 13]

2. Page B-1, line 17.
Strike: "31,857,539 33,444,233" [general fund FY 12 FY 13]
Insert: "32,076,549 33,663,243" [general fund FY 12 FY 13]

Strike: "26,545,289 27,402,292" [federal special fund FY 12 FY 13]
Insert: "26,638,816 27,495,819" [federal special fund FY 12 FY 13]

3. Page B-3, line 25.
Strike: "73,724,653 75,174,917" [general fund FY 12 FY 13]
Insert: "75,283,434 76,742,524" [general fund FY 12 FY 13]

Strike: "128,642,182 129,723,906" [federal special fund FY 12 FY 13]
Insert: "131,316,572 132,422,876" [federal special fund FY 12 FY 13]

4. Page B-4, line 17.
Strike: "60,935,780 62,484,898" [general fund FY 12 FY 13]
Insert: "62,170,548 63,719,666" [general fund 12 FY 13]

Strike: "160,421,396 160,163,011" [federal special fund FY 12 FY 13]
Insert: "163,814,955 163,556,570" [federal special fund FY 12 FY 13]

5. Page B-5, line 3.
Strike: "62,344,378 62,814,384" [general fund FY 12 FY 13]
Insert: "62,971,778 63,441,784" [general fund FY 12 FY 13]

Strike: "14,008,262 12,653,778" [state special fund FY 12 FY 13]
Insert: "14,018,171 12,663,687" [state special fund FY 12 FY 13]

Strike: "49,298,273 50,397,417" [federal special fund FY 12 FY 13]
Insert: "49,864,089 50,961,417" [federal special fund FY 12 FY 13]

Amendment **not** adopted as follows:
Yeas: Augare, Blewett, Branae, Brenden, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 23

Nays: Arthun, Balyeat, Barrett, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 27

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 2 - Senator Keane moved **HB 2**, second reading copy, be amended as follows:

1. Page B-5, line 3.
Strike: "12,653,778" [state special fund FY13]

Insert: "14,801,412" [state special fund FY13]

2. Page B-5.
Strike: lines 4 and 5 in their entirety

3. Page B-6.
Strike: lines 6 and 7 in their entirety

Amendment **not** adopted as follows:
Yeas: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Mowbray, Stewart-Peregoy, Tropila, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke.
Total 23

Nays: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Van Dyk, Vincent, Walker, Wittich, Mr. President.
Total 27

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 2 - Senator Windy Boy moved **HB 2**, second reading copy, be amended as follows:

1. Page B-4, line 7.
Strike: "14,232,744 13,381,377 " [federal special fund FY12 & FY13]
Insert: "19,874,759 20,433,896" [federal special fund FY12 & FY13]

Amendment **not** adopted as follows:
Yeas: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke.
Total 23

Nays: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Mr. President.
Total 27

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 2 - Senator Williams moved **HB 2**, second reading copy, be amended as follows:

1. Page B-4, line 5.
Strike: "105,970,414 111,519,409" [general fund FY12&FY13]
Insert: "108,151,080 113,677,314" [general fund FY12&FY13]
Strike: "66,513,741 67,532,499" [state special fund FY12 & FY13]
Insert: "67,524,276 68,386,664" [state special fund FY12 & FY13]
Strike: "415,749,085 443,087,924" [federal special fund FY12 & FY13]
Insert: "426,079,915 452,652,274" [federal special fund FY12 & FY13]

Amendment **not** adopted as follows:
Yeas: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Nays: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 2 - Senator Windy Boy moved **HB 2**, second reading copy, be amended as follows:

1. Page B-4.
Following: line 2
Insert: "b. Direct Care Provider Rate Increase (Restricted/OTO)"
Insert: "3,010,626 3,052,971" [general fund FY 12 FY 13]
Insert: "5,900,555 5,858,210" [federal special fund FY 12 FY 13]

Amendment **not** adopted as follows:
Yeas: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Nays: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones,

Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 148 - Senator Moore moved **HB 148**, second reading copy, be amended as follows:

1. Page A-5, line 18.
Strike: "9,852,176 9,862,967" [general fund FY 12 and FY 13]
Insert: "9,727,176 9,737,967" [general fund FY 12 and FY 13]

2. Page A-6.
Following: line 5
Insert: "Business and Income Taxes Division includes a reduction in general fund money of $125,000 in FY 2012 and a reduction in general fund money of $125,000 in FY 2013. The agency may allocate these reductions in funding among programs but not fund types when developing 2013 biennium operating plans."

3. Page A-7, line 8.
Strike: "419,613 422,431" [general fund FY 12 and FY 13]
Insert: "397,923 400,713" [general fund FY 12 and FY 13]

4. Page A-7.
Following: line 25
Insert: "State Information Technology Services Division includes a reduction in general fund money of $21,690 in FY 2012 and a reduction in general fund money of $21,718 in FY 2013. The agency may allocate these reductions in funding among programs but not fund types when developing 2013 biennium operating plans."

5. Page B-4, line 17.
Strike: "60,935,780" [general fund FY 12]
Insert: "60,756,784" [general fund FY 12]

6. Page B-5.
Following: line 21
Insert: "Senior and Long-Term Care Division includes a reduction in general fund money of $178,996 in FY 2012. The agency may allocate this reduction in funding among programs but not fund types when developing FY 2012 operating plans."

7. Page C-4, line 2.
Strike: "375,308 375,142" [general fund FY 12 and FY 13]
Insert: "237,459 237,630" [general fund FY 12 and FY 13]

8. Page C-4.
Following: line 23
Insert: "Central Management Programs includes a reduction in general fund money of $137,759 in FY 2012 and $137,782 in FY 2013. The agency may allocate these reductions in funding among programs but not fund types when developing 2013 biennium operating plans."

9. Page C-7, line 17.
Strike: "250,512 250,635" [general fund FY 2012 and FY 2013]
Insert: "212,967 218,900" [general fund FY 2012 and FY 2013]

10. Page C-8.
Following: line 24
Insert: "Diagnostic Laboratory Program includes a reduction in general fund money of $37,545 in FY 2012 and $37,545 in FY 2013. The agency may allocate these reductions in funding among programs but not fund types when developing 2013 biennium operating plans."

11. Page C-9, line 2.
Strike: "2,520,873 2,555,178" [general fund FY 12 and FY 13]
Insert: "2,035,257 2,069,267" [general fund FY 12 and FY 13]

12. Page C-10.
Following: line 14
Insert: "Centralized Services includes a reduction in general fund money of $485,616 in FY 2012 and $485,911 in FY 2013. The agency may allocate these reductions in funding among programs but not fund types when developing 2013 biennium operating plans."

13. Page C-11, line 21.
Strike: "103,114 100,017" [general fund FY 2012 and FY 2013]
Insert: "71,379 68,282" [general fund FY 2012 and FY 2013]

14. Page C-12.
Following: line 12
Insert: "Central Management Division includes a reduction of general fund money of $31,735 in FY 2012 and $31,735 in FY 2013. The agency may allocate these reductions in funding among programs when developing 2013 biennium operating plans."

15. Page D-3, line 21.
Strike: "5,704,753 6,114,849" [general fund FY 2012 and 2013]
Insert: "5,654,257 6,064,353" [general fund FY 2012 and 2013]

16. Page D-4.
Following: line 14
Insert: " Division of Criminal Investigation includes a reduction in general fund money of $50,496 each year of the 2013 biennium. The agency may allocate these reductions in funding among programs but not fund types when developing 2013 biennium operating plans."

17. Page E-1, line 4.
Strike: "8,738,230 8,743,606" [general fund FY 12 and FY 13]
Insert: "8,606,960 8,612,281" [general fund FY 12 and FY 13]

18. Page E-3.
Following: line 7
Insert: "OPI Administration includes a reduction in general fund money of $131,270 in FY 2012 and $131,325 in FY 2013. The agency may allocate these reductions in funding among programs but not fund types when developing 2013 biennium operating plans."

19. Page E-8, line 8.
Strike: "9,840,354 9,797,486" [general fund FY12 & FY13]
Insert: "10,953,504 10,905,955" [general fund FY12 & FY13]

20. Page E-10, line 8.
Following: "provides"
Strike: "45.8%"
Insert: "50.8%"
Following: "plus"
Strike: "45.8%"
Insert: "50.8%"

21. Page E-10, line 9.
Following: "and"
Strike: "45.8%"
Insert: "50.8%"
Following: "plus"
Strike: "45.8%"
Insert: "50.8%"

Senator Moore withdrew his motion.

Senate in recess.

Senate reconvened.

HB 2 - Senator Wanzenried moved **HB 2**, second reading copy, be amended as follows:

1. Page B-3, Line 2.
Strike: "467,338 466,952" [general fund FY 12 and FY 13]
35,393 35,333 [state special revenue FY 12 and FY 13]
673,683 673,273 [federal special revenue FY 12 and FY 13]
Insert: "636,452 741,843" [general fund FY 12 and FY 13]
33,406 37,125 [state special revenue FY 12 and FY 13]
789,883 883,151 [federal special revenue FY 12 and FY 13]

Amendment **not** adopted as follows:
Yeas: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Nays: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 2 - Senator Tropila moved **HB 2**, second reading copy, be amended as follows:

1. Page B-4.
Following: line 2
Insert: "b. Direct Care Provider Rate Increase (Restricted/OTO)"
Insert: "2,527,230 2,563,141" [general fund FY 12 FY 13]
Insert: "4,954,208 4,918,297" [federal special fund FY 12 FY 13]

Amendment **not** adopted as follows:
Yeas: Augare, Blewett, Branae, Buttrey, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 23

Nays: Arthun, Balyeat, Barrett, Brenden, Brown, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 27

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 2 - Senator Keane moved **HB 2**, second reading copy, be amended as follows:

1. Page B-3.
Following: line 2
Insert: "a. Reinstate Overtime Funding (Restricted)"
754,558 757,401 [general fund FY 12 and FY 13]
129,238 129,238 [state special revenue FY 12 and FY 13]
21,969 21,969 [federal special revenue FY 12 and FY 13]

2. Page B-3.
Following: line 12
Insert: "Funding for Reinstate Overtime Funding may be expended only to fully restore pay for overtime, holidays worked, differential pay adjustments, and aggregate position costs and may be allocated among divisions."

Amendment **not** adopted as follows:
Yeas: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke.
Total 23

Nays: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Mr. President.
Total 27

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Williams rose on a point of personal privilege regarding doing the Senate hearing **HB 2** in one day.

HB 2 - Senator Kaufmann moved **HB 2**, second reading copy, be amended as follows:

1. Page B-3, line 15.
Strike: "2,727,931 2,725,183" [general fund FY 12 FY 13]

Insert: "3,218,233 3,215,836" [general fund FY 12 FY 13]

2. Page B-3, line 16.
Strike: "37,946,179 37,947,740" [federal special fund FY 12 FY 13]
Insert: "40,296,849 40,297,387" [federal special fund FY 12 FY 13]

Amendment **not** adopted as follows:
Yeas: Arthun, Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Mowbray, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams.
Total 23

Nays: Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Windy Boy, Wittich, Zinke, Mr. President.
Total 27

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 2 - Senator Gillan moved **HB 2**, second reading copy, be amended as follows:

1. Page B-1.
Following: line 7
Insert: " b. Youth Transitions Coordination (Restricted/OTO) 50,000 50,000"[general fund FY 12 and FY 13]

2. Page B-2.
Following: line 2
Insert: "Funding for Youth Transitions Coordination may be used only by the management and disability transitions program for disabilities transition coordination."

Amendment **not** adopted as follows:
Yeas: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Nays: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 2 - Senator Tropila moved **HB 2**, second reading copy, be amended as follows:

1. Page B-4.
Following: line 2
Insert: "b. Direct Care Provider Rate Increase (Restricted/OTO)"
Insert: "483,396 489,830" [general fund FY 12 FY 13]
Insert: "946,347 939,913" [federal special fund FY 12 FY 13]

Amendment **not** adopted as follows:
Yeas: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Nays: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 2 - Senator Stewart-Peregoy moved **HB 2**, second reading copy, be amended as follows:

1. Page B-3, line 15.
Strike: "10,806,920" [state special fund FY 12]
Insert: "16,688,989" [state special fund FY 12]

2. Page B-3, line 17.
Strike: "10,804,580" [state special fund FY 13]
Insert: "16,376,854" [state special fund FY 13]

3. Page B-4, line 5.
Strike: "105,970,414 111,519,409" [general fund FY 12 & FY 13]
Insert: "111,059,865 110,786,132" [general fund FY 12 &

FY 13]

Amendment **not** adopted as follows:
Yeas: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Mowbray, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 23

Nays: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 27

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 2 - Senator C. Williams moved **HB 2**, second reading copy, be amended as follows:

1. Page B-4, following line 11.
Insert: "d. Healthy Montana Kids Services

5,837,100	5,831,187	[general fund FY12 & FY13]
11,427,319	11,189,207"	[federal special revenue FY12 & FY13]

2. Page B-5, following line 19.
Insert: "If House Bill No. 633 is passed and approved, then the appropriation for Healthy Montana Kids Services is void."

Amendment **not** adopted as follows:

Yeas: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Nays: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 2 - Senator Wanzenried moved **HB 2**, second reading copy, be amended as follows:

1. Page B-4, line 17.
Strike: "60,935,780 62,484,898" [general fund FY 12 FY 13]
Insert: "61,187,138 62,736,256" [general fund FY 12 FY 13]

Strike: "160,421,396 160,163,011" [federal special fund FY 12 FY 13]
Insert: "160,913,481 160,645,331" [federal special fund FY 12 FY 13]

Amendment **not** adopted as follows:
Yeas: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Nays: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 2 - Senator Facey moved **HB 2**, second reading copy, be amended as follows:

1. Page B-3, line 15.
Strike: "2,727,931 2,725,183" [general fund FY 12 FY 13]
Insert: "3,218,233 3,215,836" [general fund FY 12 FY 13]

Amendment **not** adopted as follows:
Yeas: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried, Williams.
Total 20

Nays: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser,

Tutvedt, Vincent, Vuckovich, Walker, Windy Boy, Wittich, Zinke, Mr. President.
Total 30

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Windy Boy rose on a point of personal privilege and stated his spouse is the Director of the Low-Income Energy Assistance Program in Havre.

HB 2 - Senator Wanzenried moved **HB 2**, second reading copy, be amended as follows:

1. Page B-1, line 9.
Strike: "223,765,786 222,655,644" [federal special fund FY 12 and FY 13]
Insert: "228,569,041 227,458,899" [federal special fund FY 12 and FY 13]

Amendment **not** adopted as follows:
Yeas: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Nays: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 2 - Senator Kaufmann moved **HB 2**, second reading copy, be amended as follows:

1. Page B-3, line 16.
Strike: "37,946,179 37,947,740" [federal special fund FY 12 FY 13]
Insert: "40,296,849 40,297,387" [federal special fund FY 12 FY 13]

Amendment **not** adopted as follows:
Yeas: Augare, Barrett, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Mowbray, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke.

Total 25

Nays: Arthun, Balyeat, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Mr. President.
Total 25

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 2 - Senator Augare moved **HB 2**, second reading copy, be amended as follows:

1. Page B-1,Line 9.
Strike: "223,765,786 222,655,644" [federal special fund FY 12 and FY 13]
Insert: "224,235,311 223,125,169" [federal special fund FY 12 and FY 13]

Amendment **not** adopted as follows:
Yeas: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Nays: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 2 - Senator Williams moved **HB 2**, second reading copy, be amended as follows:

1. Page B-4, line 5.
Strike: "105,970,414 111,519,409" [general fund FY12&FY13]
Insert: "107,647,814 113,320,948" [general fund FY12&FY13]
Strike: "415,749,085 443,087,924" [federal special fund FY12 & FY13]
Insert: "421,179,313 448,808,470" [federal special fund FY12 & FY13]

Amendment **not** adopted as follows:

Yeas: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Nays: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 2 - Senator Facey moved **HB 2**, second reading copy, be amended as follows:

1. Page B-1, line 9.
Strike: "223,765,786 222,655,644" [federal special fund FY12 and FY13]
Insert: "223,665,786 222,555,644" [federal special fund FY12 and FY13]
2. Page B-1.
Following: line 15
Insert: " d. TANF Education Support (Restricted/OTO)
100,000 100,000 " [federal special fund FY12 and FY13]
3. Page B-2.
Following: line 3
Insert: "Funding for TANF Education Support may be used by the human and community services division only for grants to appropriate programs that offer adult basic education programs for TANF-eligible adults working to improve their educational skills, obtain a high school diploma, or obtain general educational development (GED) certification. Priority for funding must be given to adult basic education and programs or entities offering instruction and assistance during the months of June, July, and August."

Amendment adopted as follows:
Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Sonju, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 42

Nays: Balyeat, Hinkle, Jackson, Shockley, Steinbeisser, Vincent, Walker, Wittich.
Total 8

Absent or not voting: None.

Total 0

Excused: None.
Total 0

HB 2 - Senator Stewart-Peregoy moved **HB 2**, second reading copy, be amended as follows:

1. Page B-3, line 16.
Strike: "37,946,179 37,947,740" [federal special fund FY 12 FY 13]
Insert: "38,246,179 38,247,740" [federal special fund FY 12 FY 13]

Amendment adopted as follows:
Yeas: Augare, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Shockley, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 39

Nays: Arthun, Balyeat, Essmann, Hinkle, Priest, Ripley, Sonju, Steinbeisser, Vincent, Walker, Wittich.
Total 11

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 2 - Senator Kaufmann moved **HB 2**, second reading copy, be amended as follows:

1. Page B-4, line 5.
Strike: "66,513,741 67,532,499" [state special fund FY12 & FY13]
Insert: "66,809,724 67,828,181" [state special fund FY12 & FY13]
Strike: "415,749,085 443,087,924" [federal special fund FY12 & FY13]
Insert: "416,045,068 443,383,606" [federal special fund FY12 & FY13]

Amendment **not** adopted as follows:
Yeas: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Nays: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.

Total 28

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 2 - Senator Hutton moved **HB 2**, second reading copy, be amended as follows:

1. Page B-5.
Following: line 1
Insert: "d. Direct Care Provider Rate Increase (Restricted/OTO)"
Insert: "2,731,179 2,767,530" [state special FY 12 FY 13]
Insert: "5,346,843 5,310,492" [federal special fund FY 12 FY 13]

2. Page B-5.
Following: line 12
Insert: "Direct Care Provider Rate Increase may be used only to raise provider rates for medicaid services to allow for wage increase or lump-sum payments to workers who provide direct care and ancillary services."

Amendment adopted as follows:
Yeas: Augare, Barrett, Blewett, Branae, Brenden, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jent, Kaufmann, Keane, Larsen, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Steinbeisser, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 34

Nays: Arthun, Balyeat, Brown, Buttrey, Essmann, Hinkle, Jackson, Jones, Lake, Lewis, Shockley, Sonju, Tutvedt, Vincent, Walker, Wittich.
Total 16

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 2 - Senator Wanzenried moved **HB 2**, second reading copy, be amended as follows:

1. Page B-1, line 9.
Strike: "223,765,786 222,655,644" [federal special fund FY 12 and FY 13]
Insert: "327,963,838 368,457,504" [federal special fund FY 12 and FY 13]

2. Page B-1.
Strike: line 14 through line 15

Amendment **not** adopted as follows:
Yeas: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Nays: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 2 - Senator Tropila moved **HB 2**, second reading copy, be amended as follows:

1. Page B-1, line 17.
Strike: "31,857,539 33,444,233" [General fund FY 12 and FY 13]
2,463,022 2,463,022 [State Special Revenue FY 12 and FY 13]
26,545,289 27,402,292 [Federal special fund FY 12 and FY 13]
Insert: "32,042,355 33,629,049" [General fund FY 12 and FY 13]
2,495,422 2,495,422 [State Special Revenue FY 12 and FY 13]
26,609,806 27,466,809 [Federal special fund FY 12 and FY 13]

Amendment **not** adopted as follows:
Yeas: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 23

Nays: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 27

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 2 - Senator Williams moved **HB 2**, second reading copy, be amended as follows:

1. Page B-4, line 5.
Strike: "105,970,414 111,519,409" [general fund FY12&FY13]
Insert: "106,473,680 111,875,775" [general fund FY12&FY13]
Strike: "66,513,741 67,532,499" [state special fund FY12 & FY13]
Insert: "67,418,151 68,281,593" [state special fund FY12 & FY13]
Strike: "415,749,085 443,087,924" [federal special fund FY12 & FY13]
Insert: "420,306,139 446,598,162" [federal special fund FY12 & FY13]

Amendment **not** adopted as follows:
Yeas: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Nays: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 2 - Senator Tropila moved **HB 2**, second reading copy, be amended as follows:

1. Page B-1, line 17.
Strike: "31,857,539 33,444,233" [General fund FY 12 and FY 13]
2,463,022 2,463,022 [State Special Revenue FY 12 and FY 13]
26,545,289 27,402,292 [Federal special fund FY 12 and FY 13]
Insert: "32,042,355 33,629,049" [General fund FY 12 and FY 13]
2,495,422 2,495,422 [State Special Revenue FY 12 and FY 13]
26,609,806 27,466,809 [Federal special fund FY 12 and FY 13]

Amendment **not** adopted as follows:
Yeas: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.

Total 23

Nays: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 27

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 2 - Senator Caferro moved **HB 2**, second reading copy, be amended as follows:

1. Page B-5, line 24 through line 25.
Strike: ";" on line 24 through "YEAR" on line 25"

Amendment **not** adopted as follows:
Yeas: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 21

Nays: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Gillan, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 29

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 2 - Senator Wanzenried moved **HB 2**, second reading copy, be amended as follows:

1. Page B-5, line 3.
Strike: "62,344,378 62,814,384" [general fund FY12 & FY13]
Insert: "62,156,440 62,626,446" [general fund FY12 & FY13]

2. Page B-5, following line 5.
Insert: "b. Suicide Prevention Coordinator and Program Operating Costs (Restricted)
187,938 187,938" [general fund FY12 & FY13]

3. Page B-6, following line 7.
Insert: "Funds in Suicide Prevention Coordinator and Program Operating Costs may be used only to pay for a suicide program officer and operating costs for the program."

Amendment **not** adopted as follows:
Yeas: Augare, Blewett, Branae, Caferro, Erickson, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 21

Nays: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Facey, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 29

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Facey disclosed that his spouse is the Suicide Prevention Coordinator for the Missoula County Health Department.

HB 2 - Senator Williams moved **HB 2**, second reading copy, be amended as follows:

1. Page B-1, line 9.
Strike: " 29,395,052 29,118,420 " [general fund FY 12 and FY 13]
Insert: " 31,140,989 32,116,928 " [general fund FY 12 and FY 13]

Amendment **not** adopted as follows:
Yeas: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Nays: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 2 - Senator Facey moved **HB 2**, second reading copy, be amended as follows:

1. Page B-3, line 15.
Strike: "2,727,931 2,725,183" [general fund FY 12 FY 13]
Insert: "2,852,931 2,850,183" [general fund FY 12 FY 13]

Amendment **not** adopted as follows:
Yeas: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke.
Total 23

Nays: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Mr. President.
Total 27

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Essmann moved the Committee rise and beg leave to sit again. Motion carried.

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Balyeat, Chairman): 3/28/2011
SB 331, introduced bill, be amended as follows:

1. Page 3.
Following: line 5
Insert: "(c) "Approved risk list" means the list approved by the commissioner of the kinds of insurance presumed unobtainable from authorized insurers when Montana is the home state of the insured."
Renumber: subsequent subsections

2. Page 3, lines 18 through 19.
Strike: "means" on line 18 through "requirements" on line 19
Insert: "has the meaning provided"

3. Page 3, line 24.

Strike: "(3)(i)(i)"
Insert: "(3)(j)(i)"

4. Page 3, line 27.
Strike: "(3)(i)(i) or (3)(i)(ii)"
Insert: "(3)(j)(i) or (3)(j)(ii)"

5. Page 4, line 1.
Strike: "(3)(i)(i)"
Insert: "(3)(j)(i)"

6. Page 4, line 3.
Strike: "(3)(i)(i)"
Insert: "(3)(j)(i)"

7. Page 4, line 21 through line 22.
Strike: "means," on line 21 through "requirements" on line 22
Insert: "has the meaning provided"

8. Page 5, line 7.
Strike: "**requirements**"
Insert: "**defined**"

9. Page 5, line 8.
Strike: "must,"
Insert: "means an individual or business entity who"

10. Page 5, line 9.
Strike: "employ or retain"
Insert: "employs or retains"

11. Page 5, line 10.
Strike: "have"
Insert: "has"

12. Page 5, line 12.
Strike: "meet"
Insert: "meets"

13. Page 5, line 24.
Following: "labor"
Strike: "and"

14. Page 5, line 27.
Strike: "**requirements**"

Insert: "**defined**"
Strike: "must"
Insert: "means a person who"

15. Page 5, line 28.
Strike: "be"
Insert: "is"

16. Page 5, line 29.
Strike: "provide"
Insert: "provides"

17. Page 6, line 1.
Strike: "have"
Insert: "has"

18. Page 7, line 14.
Following: "insurer"
Strike: ";"
Insert: ", as evidenced by one of the following:"

19. Page 7, line 15.
Strike: "(iii)"
Insert: "(A)"
Following: "producer"
Strike: "makes"
Insert: "making"

20. Page 7, line 18.
Following: line 18
Insert: "(B) the appearance on the current approved risk list of the kind of insurance being sought."
Renumber: subsequent subsections

21. Page 7, lines 26 through 27.
Strike: "(2)(a)(iv)(A)"
Insert: "(2)(a)(iii)(A)"

Strike: "has an A rating" on line 26 through "company" on line 27
Insert: "is eligible under 33-2-307"

22. Page 8, lines 1 through 2.
Strike: "subsections (2)(a)(ii) through" on line 1 through "(2)(a)(iv)" on line 2
Insert: "subsection (2)(a)"

23. Page 19.

Following: line 21
Insert: "NEW SECTION. **Section 16. Surplus lines insurance producers association -- consultation with commissioner in developing approved risk list.** (1) Surplus lines producers for which Montana is the home state may form an association.

(2) If an association is established pursuant to subsection (1) and in good standing according to the records of the Montana secretary of state, the commissioner may consult with the association in regard to the development of the approved risk list and other matters concerning the regulation of surplus lines insurance transactions."
Renumber: subsequent sections

24. Page 19, line 23.
Following: "[Sections 3"
Strike: "and 4"
Insert: ", 4, and 16"

25. Page 19, line 25.
Strike: "and 4"
Insert: ", 4, and 16"

And, as amended, do pass. Report adopted.

SB 418, do pass. Report adopted.
SB 429, do pass. Report adopted.
HB 458, be concurred in. Report adopted.

FINANCE AND CLAIMS (Lewis, Chairman): 3/28/2011
SB 414, do pass. Report adopted.

JUDICIARY (Murphy, Chairman): 3/28/2011
SB 421, do pass. Report adopted.

TAXATION (Tutvedt, Chairman): 3/28/2011
SB 214, introduced bill, be amended as follows:

1. Title, page 1, line 6.
Following: "DATE"
Insert: "AND A TERMINATION DATE"

2. Page 1, line 22.
Following: "15-10-420(3)."
Insert: "An increase in the levy without a vote due to higher assessed valuation because of newly taxable property may not exceed 0.75% of the school district's maximum general fund budget."

3. Page 2, line 13.

Following: "15-10-420(3)."
Insert: "An increase in the levy without a vote due to higher assessed valuation because of newly taxable property may not exceed 0.75% of the school district's maximum general fund budget."

4. Page 3, line 4.
Insert: "NEW SECTION. **Section 4. Termination.** [Sections 1 and 2] terminate June 30, 2015."

And, as amended, do pass. Report adopted.

ADVERSE COMMITTEE REPORT

EDUCATION AND CULTURAL RESOURCES (Zinke, Chairman): 3/28/2011
SB 428, introduced bill, be amended as follows:

1. Title, page 1, line 13.
Following: "20-9-515,"
Strike: "20-9-620,"

2. Page 29, line 13.
Strike: "102.2"
Insert: "90.6"

3. Page 30, line 26.
Strike: "68.1"
Insert: "60.4"

4. Page 47, line 1 through line 7.
Strike: section 37 in its entirety
Renumber: subsequent sections

And, as amended, do not pass. Adverse Committee Report not adopted as follows:
Yeas: Balyeat, Hinkle, Hutton, Jackson, Lake, Murphy, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Wittich.
Total 12

Nays: Arthun, Augare, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Jones, Kaufmann, Keane, Larsen, Lewis, Moore, Moss, Mowbray, Olson, Priest, Ripley, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 38

Absent or not voting: None.
Total 0

Excused: None.
Total 0

TAXATION (Tutvedt, Chairman): 3/28/2011
SB 426, do pass. Report adopted.

MOTIONS

Senator Balyeat moved to change his vote on **HB 2, Amendment HB0002077,** from Yes to No. Without objection, so ordered.

Senator Mowbray moved to change her vote on **HB 2**, **Amendment HB0002082,** from Yes to No. Without objection, so ordered.

Senate in recess.

Senate reconvened.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Essmann moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Gallus in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 2 - Senator Hamlett moved **HB 2**, second reading copy, be amended as follows:

1. Page B-1, line 17.
Strike: "31,857,539 33,444,233" [general fund FY 12 and FY 13]
Insert: "31,897,539 33,484,233" [general fund FY 12 and FY 13]

Amendment **not** adopted as follows:
Yeas: Augare, Blewett, Branae, Buttrey, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jackson, Jent, Kaufmann, Keane, Larsen, Moss, Mowbray, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 25

Nays: Arthun, Balyeat, Barrett, Brenden, Brown, Essmann, Hinkle, Hutton, Jones, Lake, Lewis, Moore, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 25

Absent or not voting: None.

Total 0

Excused: None.
Total 0

HB 2 - Senator Williams moved **HB 2**, second reading copy, be amended as follows:

1. Page B-4, line 5.
Strike: "66,513,741 67,532,499" [state special fund FY12 & FY13]
Insert: "66,619,866 67,637,570" [state special fund FY12 & FY13]
Strike: "415,749,085 443,087,924" [federal special fund FY12 & FY13]
Insert: "416,092,633 443,421,490" [federal special fund FY12 & FY13]

Amendment **not** adopted as follows:
Yeas: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Nays: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 2 - Senator Kaufmann moved **HB 2**, second reading copy, be amended as follows:

1. Page B-3, line 16.
Strike: "37,946,179 37,947,740" [federal special fund FY 12 FY 13]
Insert: "40,296,849 40,297,387" [federal special fund FY 12 FY 13]

Amendment **not** adopted as follows:
Yeas: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Mowbray, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke.
Total 24

Nays: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Mr. President.

Total 26

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 2 - Senator Stewart-Peregoy moved **HB 2**, second reading copy, be amended as follows:

1. Page B-3, line 15.
Strike: "10,806,920" [state special fund FY 12]
Insert: "16,688,989" [state special fund FY 12]

2. Page B-3, line 17.
Strike: "10,804,580" [state special fund FY 13]
Insert: "16,376,854" [state special fund FY 13]

3. Page B-4, line 5.
Strike: "105,970,414 111,519,409" [general fund FY 12 & FY 13]
Insert: "111,059,865 110,786,132" [general fund FY 12 & FY 13]

Amendment **not** adopted as follows:
Yeas: Augare, Barrett, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 23

Nays: Arthun, Balyeat, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 27

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 2 - Senator Hamlett moved **HB 2**, second reading copy, be amended as follows:

1. Page B-1, line 17.
Strike: "31,857,539 33,444,233" [general fund FY 12 and FY 13]

Insert: "31,897,539 33,484,233" [general fund FY 12 and FY 13]

Amendment **not** adopted as follows:
Yeas: Augare, Blewett, Branae, Buttrey, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Mowbray, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke.
Total 25

Nays: Arthun, Balyeat, Barrett, Brenden, Brown, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Mr. President.
Total 25

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 2 - Senator Windy Boy moved **HB 2**, second reading copy, be amended as follows:

1. Page B-4, line 7.
Strike: "14,232,744 13,381,377 " [federal special fund FY12 & FY13]
Insert: "19,874,759 20,433,896" [federal special fund FY12 & FY13]

HB 2 - Senator Olson made a **substitute motion** that **Amendment HB0002086CW01403.sdr** be **indefinitely postponed**. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Wittich, Zinke, Mr. President.
Total 27

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Walker, Wanzenried, Williams, Windy Boy.
Total 23

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Lewis moved to close Section B, Health and Human Services Appropriations Subcommittee. Motion carried as follows:

Yeas: Arthun, Balyeat, Barrett, Branae, Brenden, Brown, Buttrey, Essmann, Gallus, Hamlett, Hinkle, Hutton, Jackson, Jones, Lake, Larsen, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Zinke, Mr. President.
Total 31

Nays: Augare, Blewett, Caferro, Erickson, Facey, Gillan, Hawks, Jent, Kaufmann, Keane, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Wittich.
Total 19

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senate at ease.

Senate reconvened.

Section E - Education Appropriation Subcommittee, Senator Barrett, Chair

Senator Zinke disclosed that he serves as the Co-Director of the MT MS UAS Consortium and a partner in a consulting firm that provides Subject Matter Expertise in Unmanned Aircraft Systems, training and education, industry and government requirements, and transition of military technology.

Senator Gillan disclosed that she is an employee of MSU-Billings.

HB 2 - Senator Hawks moved **HB 2**, second reading copy, be amended as follows:

1. Page E-1, line 15.
Strike: "480,074,235 540,078,580" [general fund FY12 and FY13]
Insert: "480,235,026 540,367,278" [general fund FY12 and FY13]

2. Page E-1, line 18.
Strike: "41,647,331 41,647,331" [general fund FY12 and FY13]
Insert: "42,438,630 43,087,941" [general fund FY12 and FY13]

Amendment **not** adopted as follows:
Yeas: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Nays: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones,

Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 2 - Senator Tropila moved **HB 2**, second reading copy, be amended as follows:

1. Page E-1, line 4.
Strike: "8,738,230 8,743,606" [general fund FY12 and FY13]
Insert: "8,764,469 8,783,558" [general fund FY12 and FY13]

Amendment **not** adopted as follows:
Yeas: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Ripley, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 23

Nays: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 27

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 2 - Senator Williams moved **HB 2**, second reading copy, be amended as follows:

1. Page E-8, line 8.
Strike: "9,840,354 9,797,486" [general fund FY12 & FY13]
Insert: "10,953,504 10,905,955" [general fund FY12 & FY13]

2. Page E-10, line 8.
Following: "provides"
Strike: "45.8%"
Insert: "50.8%"
Following: "plus"
Strike: "45.8%"

Insert: "50.8%"

3. Page E-10, line 9.
Following: "and"
Strike: "45.8%"
Insert: "50.8%"
Following: "plus"
Strike: "45.8%"
Insert: "50.8%"

Amendment **not** adopted as follows:
Yeas: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Nays: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 2 - Senator Branae moved **HB 2**, second reading copy, be amended as follows:

1. Page E-3, line 17 through line 18.
Strike: line 17 through line 18 in their entirety

Amendment adopted as follows:
Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brown, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Jones, Kaufmann, Keane, Larsen, Lewis, Moss, Mowbray, Olson, Shockley, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 31

Nays: Balyeat, Brenden, Buttrey, Hinkle, Hutton, Jackson, Lake, Moore, Murphy, Priest, Ripley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 19

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 2 - Senator Windy Boy moved **HB 2**, second reading copy, be amended as follows:

1. Page E-8, line 4.
Strike: "11,901,940 12,149,860" [general fund FY12 & FY13]
Insert: "12,151,940 12,399,860" [general fund FY12 & FY13]

Amendment **not** adopted as follows:
Yeas: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Nays: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 2 - Senator Zinke moved **HB 2**, second reading copy, be amended as follows:

1. Page A-1, line 5.
Strike: "6,212,995 7,009,636" [general fund FY 12 and FY 13]
Insert: "6,204,118 7,000,796" [general fund FY 12 and FY 13]

2. Page A-1, following line 16.
Insert: "Legislative Services includes a reduction in general fund money of $8,877 in FY 2012 and $8,877 in FY 2013. The agency may allocate this reduction in funding among programs when developing 2013 biennium operating plans."

3. Page A-2, line 2.
Strike: "2,414,570 2,411,138" [general fund FY 12 and FY 13]
Insert: "2,406,554 2,403,155" [general fund FY 12 and FY 13]

4. Page A-3, following line 2.
Insert: "Executive Office Program includes a reduction in general fund money of $8,016 in FY 2012 and $7,983 in FY 2013. The agency may allocate this reduction in funding among programs when developing 2013 biennium operating plans."

5. Page A-3, line 14.
Strike: "562,764 564,616" [general fund FY 12 and FY 13]
Insert: "562,360 564,214" [general fund FY 12 and FY 13]

6. Page A-5, line 18.
Strike: "9,852,176 9,862,967" [general fund FY 12 and FY 13]
Insert: "9,775,358 9,786,472" [general fund FY 12 and FY 13]

7. Page A-6, following line 5.
Insert: "Business and Income Taxes Division includes a reduction in general fund money of $76,818 in FY 2012 and $76,495 in FY 2013. The agency may allocate this reduction in funding among programs when developing 2013 biennium operating plans."

8. Page A-6, line 19.
Strike: "1,266,415 1,265,786" [general fund FY 12 and FY 13]
Insert: "1,264,613 1,263,991" [general fund FY 12 and FY 13]

9. Page A-7, following line 25.
Insert: "State Accounting Division includes a reduction in general fund money of $1,802 in FY 2012 and $1,795 in FY 2013. The agency may allocate this reduction in funding among programs when developing 2013 biennium operating plans."

10. Page A-8, line 3.
Strike: "1,854,663 1,861,602" [general fund FY 12 and FY 13]
Insert: "1,851,346 1,858,299" [general fund FY 12 and FY 13]

11. Page A-9, following line 21.
Insert: "Business Resources Division includes a reduction in general fund money of $3,317 in FY 2012 and $3,303 in FY 2013. The agency may allocate this reduction in funding among programs when developing 2013 biennium operating plans."

12. Page A-10, line 9.
Strike: "1,077,227 1,083,422" [general fund FY 12 and FY 13]
Insert: "1,074,228 1,080,436" [general fund FY 12 and FY 13]

13. Page A-10, following line 18.
Insert: "Employment Relations Division includes a reduction in general fund money of $2,999 in FY 2012 and $2,986 in FY 2013. The agency may allocate this reduction in funding among programs when developing 2013 biennium operating plans."

14. Page A-11, line 18.
Strike: "1,064,331 1,069,730" [general fund FY 12 and FY 13]
Insert: "1,058,556 1,063,980" [general fund FY 12 and FY 13]

15. Page A-12, following line 2.
Insert: "Disaster and Emergency Services includes a reduction in general fund money of $5,775 in FY 2012 and $5,750 in FY 2013. The agency may allocate this reduction in funding among programs when developing 2013 biennium operating plans."

16. Page B-4, line 5.
Strike: "105,970,414 111,519,409" [general fund FY 12 and FY 13]
Insert: "105,459,899 111,011,040" [general fund FY 12 and FY 13]

17. Page B-5, following line 15.
Insert: "Health Resources Division includes a reduction in general fund money of $510,515 in FY 2012 and $508,369 in FY 2013. The agency may allocate this reduction in funding among programs when developing 2013 biennium operating plans."

18. Page C-4, line 2.
Strike: "375,308 375,142" [general fund FY 12 and FY 13]
Insert: "370,854 370,706" [general fund FY 12 and FY 13]

19. Page C-4, following line 23.
Insert: "Central Management Program includes a reduction in general fund money of $4,454 in FY 2012 and $4,436 in FY 2013. The agency may allocate this reduction in funding among programs when developing 2013 biennium operating plans."

20. Page C-7, line 17.
Strike: "250,512 250,635" [general fund FY 12 and FY 13]
Insert: "248,807 248,937" [general fund FY 12 and FY 13]

21. Page C-8, following line 20.
Insert: "Diagnostic Laboratory Program includes a reduction in general fund money of $1,705 in FY 2012 and $1,698 in FY 2013. The agency may allocate this reduction in funding among programs when developing 2013 biennium operating plans."

22. Page C-9, line 2.
Strike: "2,520,873 2,555,178" [general fund FY 12 and FY 13]
Insert: "2,466,858 2,501,390" [general fund FY 12 and FY 13]

23. Page C-10, following line 14.
Insert: "Centralized Services includes a reduction in general fund money of $54,015 in FY 2012 and $53,788 in FY 2013. The agency may allocate this reduction in funding among programs when developing 2013 biennium operating plans."

24. Page C-11, line 21.
Strike: "103,114 100,017" [general fund FY 12 and FY 13]
Insert: "101,881 98,789" [general fund FY 12 and FY 13]

25. Page C-12, following line 13.
Insert: "Central Management Division includes a reduction in general fund money of $1,233 in FY 2012 and $1,228 in FY 2013. The agency may allocate this reduction in funding among programs when developing 2013 biennium operating plans."

26. Page D-1, line 16.
Strike: "24,951,676 25,039,963" [general fund FY 12 and FY 13]
Insert: "24,913,770 25,002,216" [general fund FY 12 and FY 13]

27. Page D-2, following line 4.
Insert: "District Court Operations includes a reduction in general fund money of $37,906 in FY 2012 and $37,747 in FY 2013. The agency may allocate this reduction in funding among programs when developing 2013 biennium operating plans."

28. Page D-2, line 9.
Strike: "1,266,764 1,264,589" [general fund FY 12 and FY 13]
Insert: "1,265,516 1,263,347" [general fund FY 12 and FY 13]

29. Page D-3, line 21.
Strike: "5,704,753 6,114,849" [general fund FY 12 and FY 13]
Insert: "5,666,169 6,076,427" [general fund FY 12 and FY 13]

30. Page D-4, following line 14.
Insert: "Division of Criminal Investigation includes a reduction in general fund money of $38,584 in FY 2012 and $38,422 in FY 2013. The agency may allocate this reduction in funding among programs when developing 2013 biennium operating plans."

31. Page D-5, line 2.
Strike: "19,552,887 19,570,173" [general fund FY 12 and FY 13]
Insert: "19,541,412 19,558,747" [general fund FY 12 and FY 13]

32. Page D-5, following line 12.
Insert: "Office of State Public Defender includes a reduction in general fund money of $11,475 in FY 2012 and $11,426 in FY 2013. The agency may allocate this reduction in funding among programs when developing 2013 biennium operating plans."

33. Page D-5, line 15.
Strike: "16,180,063 16,194,249" [general fund FY 12 and FY 13]
Insert: "15,863,592 15,879,109" [general fund FY 12 and FY 13]

34. Page D-6, following line 23.
Insert: "Administrative and Support Services includes a reduction in general fund money of $316,471 in FY 2012 and $315,140 in FY 2013. The agency may allocate this reduction in funding among programs when developing 2013 biennium operating plans."

35. Page E-1, line 4.
Strike: "8,738,230 8,743,606" [general fund FY 12 and FY 13]
Insert: "8,728,328 8,733,746" [general fund FY 12 and FY 13]

36. Page E-3, following line 7.
Insert: "OPI Administration includes a reduction in general fund money of $9,902 in FY 2012 and $9,860 in FY 2013. The agency may allocate this reduction in funding among programs when developing 2013 biennium operating plans."

37. Page E-4, line 24.
Strike: "216,907 222,275" [general fund FY 12 and FY 13]
Insert: "216,664 222,033" [general fund FY 12 and FY 13]

38. Page E-5, line 6.
Strike: "439,457 439,040" [general fund FY 12 and FY 13]
Insert: "427,117 426,752" [general fund FY 12 and FY 13]

39. Page E-5, following line 17.
Insert: "Administration Program includes a reduction in general fund money of $12,340 in FY 2012 and $12,288 in FY 2013. The agency may allocate this reduction in funding among programs when developing 2013 biennium operating plans."

40. Page E-5, line 21.
Strike: "433,297 445,255" [general fund FY 12 and FY 13]
Insert: "432,933 444,893" [general fund FY 12 and FY 13]

41. Page E-6, line 7.
Strike: "2,529,615 2,535,511" [general fund FY 12 and FY 13]
Insert: "2,527,879 2,533,782" [general fund FY 12 and FY 13]

42. Page E-6, line 20.
Strike: "912,125 918,765" [general fund FY 12 and FY 13]
Insert: "909,173 915,826" [general fund FY 12 and FY 13]

43. Page E-7, following line 21.
Insert: "Administration Program includes a reduction in general fund money of $2,952 in FY 2012 and $2,939 in FY 2013. The agency may allocate this reduction in funding among programs when developing 2013 biennium operating plans."

44. Page E-8, line 8.
Strike: "9,840,354 9,797,486" [general fund FY12 & FY13]
Insert: "10,953,504 10,905,955" [general fund FY12 & FY13]

45. Page E-10, line 8.
Following: "provides"

Strike: "45.8%"
Insert: "50.8%"
Following: "plus"
Strike: "45.8%"
Insert: "50.8%"

46. Page E-10, line 9.
Following: "and"
Strike: "45.8%"
Insert: "50.8%"
Following: "plus"
Strike: "45.8%"
Insert: "50.8%"

Amendment adopted as follows:
Yeas: Arthun, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Sonju, Steinbeisser, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Williams, Zinke, Mr. President.
Total 39

Nays: Augare, Balyeat, Erickson, Hinkle, Larsen, Shockley, Stewart-Peregoy, Vincent, Wanzenried, Windy Boy, Wittich.
Total 11

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Stewart-Peregoy disclosed that she is employed at the Little Big Horn College.

HB 2 - Senator Augare moved **HB 2**, second reading copy, be amended as follows:

1. Page E-9, line 8.
Strike: "612,586 612,586" [general fund FY12 & FY13]
Insert: "842,085 842,085" [general fund FY12 & FY13]

Amendment adopted as follows:
Yeas: Augare, Barrett, Blewett, Branae, Brown, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moore, Moss, Mowbray, Ripley, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke.
Total 28

Nays: Arthun, Balyeat, Brenden, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Murphy, Olson, Priest, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Mr. President.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 2 - Senator Branae moved **HB 2**, second reading copy, be amended as follows:

1. Page E-1, line 15.
Strike: "480,074,235 540,078,580" [general fund FY12 and FY13]
Insert: "480,963,183 541,682,941" [general fund FY12 and FY13]

2. Page E-1, line 18.
Strike: "41,647,331 41,647,331" [general fund FY12 and FY13]
Insert: "42,438,630 43,087,941" [general fund FY12 and FY13]

3. Page E-3, line 1.
Strike: "3,911,140 7,790,882" [state special FY12 and FY13]
Insert: "2,230,593 4,746,518" [state special FY12 and FY13]

Amendment **not** adopted as follows:
Yeas: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Lewis, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 23

Nays: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 27

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 2 - Senator Facey moved **HB 2**, second reading copy, be amended as follows:

1. Page E-1.
Following: "line 10"
Insert: "d. National Board-Certified Teachers (Restricted/OTO) 9,000 18,000"[general fund FY12 and FY13]

Amendment **not** adopted as follows:
Yeas: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Olson, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 23

Nays: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 27

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 2 - Senator Hawks moved **HB 2**, second reading copy, be amended as follows:

1. Page E-8, line 17.
Strike: "132,028,209 131,715,482" [general fund FY12 & FY13]
Insert: "132,115,709 131,802,982" [general fund FY12 & FY13]

Amendment **not** adopted as follows:
Yeas: Augare, Blewett, Branae, Brown, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 23

Nays: Arthun, Balyeat, Barrett, Brenden, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 27

Absent or not voting: None.
Total 0

Excused: None.

Total 0

Senator Moss disclosed that she serves on the Montana Board of Public Broadcasting.

HB 2 - Senator Erickson moved **HB 2**, second reading copy, be amended as follows:

1. Page E-8, line 17.
Strike: "132,028,209 131,715,482" [general fund FY12 & FY13]
Insert: "132,228,209 131,915,482" [general fund FY12 & FY13]

Amendment **not** adopted as follows:
Yeas: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Nays: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 2 - Senator Williams moved **HB 2**, second reading copy, be amended as follows:

1. Page E-8, line 17.
Strike: "132,028,209 131,715,482" [general fund FY12 & FY13]
Insert: "133,028,209 132,715,482" [general fund FY12 & FY13]

Amendment **not** adopted as follows:
Yeas: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Nays: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Absent or not voting: None.

Total 0

Excused: None.
Total 0

HB 2 - Senator Moss moved **HB 2**, second reading copy, be amended as follows:

1. Page E-1, line 15.
Strike: "480,074,235 540,078,580" [general fund FY12 and FY13]
Insert: "480,963,183 541,682,941" [general fund FY12 and FY13]

2. Page E-1, line 18.
Strike: "41,647,331 41,647,331" [general fund FY12 and FY13]
Insert: "42,438,630 43,087,941" [general fund FY12 and FY13]

3. Page E-3, line 1.
Strike: "3,911,140 7,790,882" [state special FY12 and FY13]
Insert: "2,230,593 4,746,518" [state special FY12 and FY13]

Amendment **not** adopted as follows:

Yeas: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Nays: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Tropila disclosed that he serves on the Great Falls Public Library Board.

HB 2 - Senator Tropila moved **HB 2**, second reading copy, be amended as follows:

1. Page E-6.
Following: line 13
Insert: "d. Library Courier Delivery Services (OTO)
80,000 80,000" [state special fund FY12 & FY13]

Amendment **not** adopted as follows:
Yeas: Augare, Blewett, Branae, Brenden, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 23

Nays: Arthun, Balyeat, Barrett, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 27

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 2 - Senator Tropila moved **HB 2**, second reading copy, be amended as follows:

1. Page E-5, line 6.
Strike: "3,758 3,946" [state special fund FY12 and FY13]
Insert: "17,799 17,953" [state special fund FY12 and FY13]

2. Page E-5, line 10.
Strike: "0 0" [state special fund FY12 and FY13]
Insert: "6,913 6,931" [state special fund FY12 and FY13]

3. Page E-5, line 12.
Strike: "0 0" [state special fund FY12 and FY13]
Insert: "53,386 53,392"[state special fund FY12 and FY13]

4. Page E-5, line 14.
Strike: "283,115 283,115" [state special fund FY12 and FY13]
Insert: "436,626 436,743" [state special fund YF12 and FY13]

5. Page E-5.
Following: line 17
Insert: "If House Bill No. 613 is not passed and approved, then the state special fund authority in the Administration Program is reduced by $14,041 in FY 2012 and by $14,007 in FY 2013."

Insert: "If House Bill No. 613 is not passed and approved, then the state special fund authority in the General Services Program is reduced by $6,913 in FY 2012 and by $6,931 in FY 2013."

Insert: "If House Bill No. 613 is not passed and approved, then the state special fund authority in Student Services is reduced by $53,386 in FY 2012 and by $53,392 in FY 2013."

Insert: "If House Bill No. 613 is not passed and approved, then the state special fund authority in Education is reduced by $153,511 in FY 2012 and by $153,628 in FY 2013."

Amendment **not** adopted as follows:
Yeas: Augare, Barrett, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Mowbray, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 24

Nays: Arthun, Balyeat, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 26

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 2 - Senator Tropila moved **HB 2**, second reading copy, be amended as follows:

1. Page E-5, line 10.
Strike: "454,393 455,168" [general fund FY12 and FY13]
Insert: "474,393 475,168" [general fund FY12 and FY13]

2. Page E-5, line 14.
Strike: "3,649,203 3,652,294" [general fund FY12 and FY13]
Insert: "3,655,203 3,658,294" [general fund FY12 and FY13]

Amendment **not** adopted as follows:
Yeas: Augare, Blewett, Branae, Buttrey, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 23

Nays: Arthun, Balyeat, Barrett, Brenden, Brown, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 27

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 2 - Senator Wittich moved **HB 2**, second reading copy, be amended as follows:

1. Page E-1, line 4.
Strike: "8,738,230 8,743,606" [general fund FY12 and FY13]
Insert: "8,733,230 8,738,606" [general fund FY12 and FY13]

Amendment adopted as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 27

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Murphy, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 23

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 2 - Senator Tropila moved **HB 2**, second reading copy, be amended as follows:

1. Page E-5, line 6.
Strike: "3,758 3,946" [state special fund FY12 and FY13]
Insert: "38,285 38,405" [state special fund FY12 and FY13]

Amendment **not** adopted as follows:
Yeas: Augare, Blewett, Branae, Buttrey, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 23

Nays: Arthun, Balyeat, Barrett, Brenden, Brown, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 27

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 2 - Senator Tropila moved **HB 2**, second reading copy, be amended as follows:

1. Page E-5, line 6.
Strike: "3,758 3,946" [state special fund FY12 and FY13]
Insert: "20,886 21,175" [state special fund FY12 and FY13]

Amendment adopted as follows:
Yeas: Augare, Barrett, Blewett, Branae, Buttrey, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Larsen, Moss, Mowbray, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 28

Nays: Arthun, Balyeat, Brenden, Brown, Essmann, Hinkle, Lake, Lewis, Moore, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 2 - Senator Gillan moved **HB 2**, second reading copy, be amended as follows:

1. Page E-8, line 17.
Strike: "132,028,209 131,715,482" [general fund FY12 & FY13]
Insert: "138,372,899 140,394,000" [general fund FY12 & FY13]

Amendment **not** adopted as follows:
Yeas: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Nays: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Essmann announced the Republicans would caucus.

Senator William announced the Democrats would caucus.

Senate in recess.

Senate reconvened.

Senator Essmann disclosed that he is in the property rental profession.

HB 2 - Senator Wittich moved **HB 2**, second reading copy, be amended as follows:

1. Page A-5.
Strike: line 4 through line 5 in their entirety
Renumber: subsequent subsections

2. Page A-5.
Strike: line 23 through line 24 in their entirety

3. Page D-1, line 4.
Strike: "8,886,852 8,928,373" [general fund FY 2012 and 2013]
Insert: "8,875,990 8,915,022" [general fund FY 2012 and 2013]

4. Page D-1, line 22.
Strike: "1,642,111 1,903,380" [state special fund FY 2012 and 2013]
Insert: "1,636,329 1,894,578" [state special fund FY 2012 and 2013]

5. Page D-3, line 8.
Strike: "2,888,979 2,892,734" [state special fund FY 2012 and 2013]
Insert: "2,876,313 2,877,834" [state special fund FY 2012 and 2013]
Strike: "1,238,132 1,239,674" [proprietary FY 2012 and 2013]
Insert: "1,232,703 1,233,288" [proprietary FY 2012 and 2013]

6. Page D-3, line 20.
Strike: "3,099,052 3,098,269" [state special fund FY 2012 and 2013]
Insert: "3,096,052 3,095,269" [state special fund FY 2012 and 2013]

7. Page D-3, line 21.
Strike: "5,704,753 6,114,849" [general fund FY 2012 and 2013]
Insert: "5,683,056 6,071,618" [general fund FY 2012 and 2013]

8. Page D-4, line 19.

Strike: "3,584,680 3,596,470" [state special fund FY 2012 and 2013]
Insert: "3,572,375 3,577,734" [state special fund FY 2012 and 2013]

9. Page E-7, line 25.
Strike: "2,281,576 2,275,514" [general fund FY12 & FY13]
Insert: "2,279,706 2,271,736" [general fund FY12 & FY13]

10. Page E-8, line 12.
Strike: "6,690,021 5,995,262" [federal special fund FY12 & FY13]
Insert: "6,682,034 5,986,810" [federal special fund FY12 & FY13]

11. Page E-8, line 14.
Strike: "6,273,186 6,265,186" [federal special fund FY12 & FY13]
Insert: "6,265,118 6,256,568" [federal special fund FY12 & FY13]

12. Page E-9, line 6.
Strike: "739,957 742,675" [general fund FY12 & FY13]
Insert: "737,849 739,112" [general fund FY12 & FY13]

Amendment adopted as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Gillan rose on a point of personal privilege regarding unanswered questions.

Senator Barrett moved to close Section E, Education Appropriation Subcommittee.
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Larsen, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 29

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senate at ease.

Senate reconvened.

Section A - General Government Appropriation Subcommittee, Senator Olson, Chair

HB 2 - Senator Wanzenried moved **HB 2**, second reading copy, be amended as follows:

1. Page A-8, line 22.
Following: "Energy Promotion and Development Division (55)"
Insert: "(OTO)"

2. Page A-8.
Following: line 22
Insert: "455,000 455,000" [general fund FY 2012 and FY 2013]

Amendment **not** adopted as follows:
Yeas: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Nays: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 2 - Senator Branae moved **HB 2**, second reading copy, be amended as follows:

1. Page A-5, line 18.
Strike: "9,852,176 9,862,967" [general fund FY 12 and FY 13]
Insert: "10,352,176 10,362,967" [general fund FY 12 and FY 13]

Amendment **not** adopted as follows:
Yeas: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Nays: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 2 - Senator Erickson moved **HB 2**, second reading copy, be amended as follows:

1. Page A-4, line 22.
Strike: "5,197,645 5,199,561" [general fund FY 12 and FY 13]
Insert: "5,463,182 5,465,098" [general fund FY 12 and FY 13]
Strike: "106,445 107,607" [state special fund FY 12 and FY 13]
Insert: "111,777 112,939" [state special fund FY 12 and FY 13]

2. Page A-5, line 3.
Strike: "10,553,944 10,560,200" [general fund FY 12 and FY 13]
Insert: "11,157,438 11,163,694" [general fund FY 12 and FY 13]
Strike: "124,804 124,804" [state special fund FY 12 and FY 13]
Insert: "131,279 131,279" [state special fund FY 12 and FY 13]

3. Page A-5, line 16.
Strike: "1,824,161 1,826,065" [general fund FY 12 and FY 13]
Insert: "1,920,720 1,922,624" [general fund FY 12 and FY 13]
Strike: "187,678 187,261" [state special fund FY 12 and FY 13]
Insert: "194,914 194,497" [state special fund FY 12 and FY 13]

4. Page A-5, line 18.
Strike: "9,852,176 9,862,967" [general fund FY 12 and FY 13]
Insert: "10,334,971 10,345,762" [general fund FY 12 and FY 13]

Strike: "544,724 545,200" [state special fund FY 12 and FY 13]
Insert: "562,624 563,100" [state special fund FY 12 and FY 13]

5. Page A-5, line 22.
Strike: "18,842,690 18,867,679" [general fund FY 12 and FY 13]
Insert: "19,808,280 19,833,269" [general fund FY 12 and FY 13]
Strike: "69,021 64,028" [state special fund FY 12 and FY 13]
Insert: "70,164 65,171" [state special fund FY 12 and FY 13]

Amendment **not** adopted as follows:
Yeas: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Nays: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 2 - Senator Wanzenried moved **HB 2**, second reading copy, be amended as follows:

1. Page A-6, line 21.
Strike: "1,877,493 1,881,126" [state special fund FY 12 and FY 13]
Insert: "1,966,206 1,969,839" [state special fund FY 12 and FY 13]

Amendment **not** adopted as follows:
Yeas: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Nays: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 2 - Senator Wanzenried moved **HB 2**, second reading copy, be amended as follows:

1. Page A-7, line 10.
Strike: "3,428,139 3,423,460" [state special fund FY 12 and FY 13]
Insert: "3,543,521 3,538,842" [state special fund FY 12 and FY 13]

Amendment **not** adopted as follows:
Yeas: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 21

Nays: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hamlett, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 29

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 2 - Senator Sonju moved **HB 2**, second reading copy, be amended as follows:

1. Page A-8, line 3.
Strike: "1,854,663 1,861,602" [general fund FY 12 and FY 13]
Insert: "1,823,663 1,830,602" [general fund FY 12 and FY 13]

Amendment **not** adopted as follows:
Yeas: Arthun, Balyeat, Brenden, Brown, Essmann, Hinkle, Hutton, Jackson, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 25

Nays: Augare, Barrett, Blewett, Branae, Buttrey, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Jones, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 25

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Olson moved to close Section A, General Government Appropriation Subcommittee.
Yeas: Arthun, Balyeat, Barrett, Branae, Brenden, Brown, Buttrey, Caferro, Essmann, Facey, Gallus, Hamlett, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Steinbeisser, Tutvedt, Vincent, Williams, Wittich, Zinke, Mr. President.
Total 36

Nays: Augare, Blewett, Erickson, Gillan, Hawks, Moss, Sonju, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Walker, Wanzenried, Windy Boy.
Total 14

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senate in recess.

Senate reconvened.

Section C - Natural Resources Appropriations Subcommittee, Senator Ripley, Chair

HB 2 - Senator Windy Boy moved **HB 2**, second reading copy, be amended as follows:

1. Page C-7, line 21.
Strike: "29,000" [federal special fund FY 12]
Insert: "0" [federal special fund FY 12]

2. Page C-7, line 23.
Strike: "842,747 844,508" [federal special fund FY 12 and FY 13]
Insert: "0 0" [federal special fund FY 12 and FY 13]

3. Page C-8, line 6.
Strike: "28,488 28,488" [federal special fund FY 12 and FY 13]
Insert: "0 0" [federal special fund FY 12 and FY 13]

4. Page C-8, line 12.
Strike: "615,341 615,492" [federal special fund FY 12 and FY 13]
Insert: "0 0" [federal special fund FY 12 and FY 13]

5. Page C-11, line 21.
Strike: "126,775 126,775" [federal special fund FY 12 and FY 13]
Insert: "0 0" [federal special fund FY 12 and FY 13]

6. Page C-11, line 25.
Strike: "2,193,818 2,194,531" [federal special fund FY 12 and FY 13]
Insert: "0 0" [federal special fund FY 12 and FY 13]

7. Page C-12, line 8.
Strike: "8,359 8,359" [federal special fund FY 12 and FY 13]
Insert: "0 0" [federal special fund FY 12 and FY 13]

Amendment **not** adopted as follows:
Yeas: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gillan, Hawks, Kaufmann, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vincent, Wanzenried, Williams, Windy Boy, Wittich.
Total 19

Nays: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Gallus, Hamlett, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vuckovich, Walker, Zinke, Mr. President.
Total 31

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 2 - Senator Wanzenried moved **HB 2**, second reading copy, be amended as follows:

1. Page C-5.
Following: line 6
Insert: "If House Bill No. 610 is not passed and approved in a form that raises the public water supply connection fee, then the general fund appropriation in the Permitting and Compliance Division is increased by $697,350 in FY 2012 and FY 2013 and the state special revenue is increased by $151,733 in FY 2012 and $144,216 in FY 2013. "

2. Page C-8.
Following: line 20
Insert: "If House Bill No. 610 is not passed and approved in a form that provides for the implementation of an increase in the livestock per capita fee, then the Centralized Services Program is appropriated an additional $70,215 general fund in FY 2012 and $70,100 general fund in FY 2013 and the Diagnostic Lab Program is appropriated an additional $54,785 general fund in FY 2012 and $54,900 general fund in FY 2013."

3. Page C-11.
Following: line 14
Insert: "If House Bill No. 610 is not passed and approved in a form that increases the fire protection fee, then Forestry and Trust Lands is increased by $1,893,487 of general fund in FY 2012 and $1,893,487 of general fund in FY 2013 and decreased by $1,893,487 in state special revenue in FY 2012 and by $1,893,487 in state special revenue in FY 2013."

Amendment **not** adopted as follows:
Yeas: Augare, Blewett, Branae, Brown, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Murphy, Ripley, Steinbeisser, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke.
Total 27

Nays: Arthun, Balyeat, Barrett, Brenden, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Olson, Priest, Shockley, Sonju, Tutvedt, Vincent, Walker, Wittich, Mr. President.
Total 23

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 2 - Senator Windy Boy moved **HB 2**, second reading copy, be amended as follows:

1. Page C-1, line 4.
Strike: "10,693 10,693" [federal special fund FY12 and FY13]
Insert: "0 0" [federal special fund FY12 and FY13]

2. Page C-1, line 6.
Strike: "8,458,445 8,473,817" [federal special fund FY12 and FY13]
Insert: "0 0" [federal special fund Fy12 and FY 13]

3. Page C-1, line 8.
Strike: "41,250 41,250" [federal special fund FY12 and FY13]
Insert: "0 0" [federal special fund FY12 and FY13]

4. Page C-1, line 14.
Strike: "387,486 387,999" [federal special fund FY12 and FY 13]
Insert: "0 0" [federal special fund Fy12 and FY13]

5. Page C-1, line 17.
Strike: "5,470,689 5,476,490" [federal special fund FY12 and FY13]
Insert: "0 0" [federal special fund FY12 and FY13]

6. Page C-2, line 4.
Strike: "132,560 133,000" [federal special fund FY12 and FY13]
Insert: "0 0" [federal special fund FY 12 and FY 13]

7. Page C-2, line 8.
Strike: "365,857 364,432" [federal special fund FY12 and FY13]
Insert: "0 0" [federal special fund FY12 and FY13]

8. Page C-2, line 18.
Strike: "736,802 736,187" [federal special fund FY12 and FY13]
Insert: "0 0" [federal special fund FY12 and FY13]

9. Page C-2, line 22.
Strike: "58,553 57,607" [federal special fund FY12 and FY13]
Insert: "0 0" [federal special fund FY12 and FY13]

10. Page C-2, line 24.
Strike: "15,083" [federal special fund FY12]
Insert: "0" [federal special fund FY12]

Amendment **not** adopted as follows:
Yeas: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gillan, Jent, Kaufmann, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Wittich.
Total 19

Nays: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Gallus, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jones, Keane, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Zinke, Mr. President.
Total 31

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 2 - Senator Hamlett moved **HB 2**, second reading copy, be amended as follows:

1. Page C-2, line 8.
Strike: "9,168,004 9,173,832" [state special fund FY12 and FY13]
Insert: "9,425,681 9,431,509" [state special fund FY12 and FY13]

Amendment **not** adopted as follows:
Yeas: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried,

Williams, Windy Boy.
Total 22

Nays: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 2 - Senator Wittich moved **HB 2**, second reading copy, be amended as follows:

1. Page C-6, line 15 through page C-6, line 16.
Strike: line 15 through line 16 in their entirety
Renumber: subsequent subsections

Amendment **not** adopted as follows:
Yeas: Balyeat, Barrett, Blewett, Brown, Essmann, Hinkle, Hutton, Moore, Mowbray, Olson, Priest, Shockley, Sonju, Vincent, Walker, Wittich.
Total 16

Nays: Arthun, Augare, Branae, Brenden, Buttrey, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moss, Murphy, Ripley, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 34

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 2 - Senator Hamlett moved **HB 2**, second reading copy, be amended as follows:

1. Page C-12, line 8.
Strike: "507,976 507,289" [general fund FY 2012 and FY 2013]
Insert: "544,176 543,489" [general fund FY 2012 and FY 2013]

Amendment **not** adopted as follows:
Yeas: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent,

Kaufmann, Larsen, Moss, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 20

Nays: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Keane, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 30

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Ripley moved to close Section C, Natural Resources Appropriations Subcommittee.
Yeas: Arthun, Balyeat, Barrett, Branae, Brenden, Brown, Buttrey, Caferro, Essmann, Facey, Gallus, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Vincent, Walker, Wanzenried, Williams, Wittich, Zinke, Mr. President.
Total 42

Nays: Augare, Blewett, Erickson, Gillan, Hamlett, Van Dyk, Vuckovich, Windy Boy.
Total 8

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senate recessed.

Senate reconvened.

Section D - Corrections Appropriation Subcommittee, Senator Zinke, Chair

HB 2 - Senator Blewett moved **HB 2**, second reading copy, be amended as follows:

1. Page D-1, line 8.
Strike: "200,000 200,000" [general fund FY 2012 and 2013]
Insert: "295,927 295,518" [general fund FY 2012 and 2013]

Amendment **not** adopted as follows:
Yeas: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent,

Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Nays: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 2 - Senator Vuckovich moved **HB 2**, second reading copy, be amended as follows:

1. Page D-5, line 21.
Strike: "58,313,406 58,554,173" [general fund FY 2012 and 2013]
Insert: "59,368,256 59,609,023" [general fund FY 2012 and 2013]

Amendment **not** adopted as follows:

Yeas: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Nays: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 2 - Senator Keane moved **HB 2**, second reading copy, be amended as follows:

1. Page D-5, line 23.
Strike: "73,435,468 73,488,148" [general fund FY 2012 and FY 2013]
Insert: "73,535,468 73,588,148" [general fund FY 2012 and FY 2013]

Amendment **not** adopted as follows:
Yeas: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Nays: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 2 - Senator Blewett moved **HB 2**, second reading copy, be amended as follows:

1. Page D-5, line 2.
Strike: "19,552,887 19,570,173" [general fund FY 2012 and 2013]
Insert: "20,247,743 20,266,211" [general fund FY 2012 and 2013]
Strike: "100,000 75,000" [state special fund FY 2012 and 2013]
Insert: "137,885 109,712" [state special fund FY 2012 and 2013]

2. Page D-5, line 8.
Strike: "964,641 964,140" [general fund FY 2012 and 2013]
Insert: "1,102,141 1,095,122" [general fund FY 2012 and 2013]

Amendment **not** adopted as follows:
Yeas: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Nays: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 2 - Senator Wanzenried moved **HB 2**, second reading copy, be amended as follows:

1. Page D-1, line 16.
Strike: "24,951,676 25,039,963" [general fund FY 2012 and 2013]
Insert: "25,051,676 25,139,963" [general fund FY 2012 and 2013]

2. Page D-1, line 17.
Strike: "327,078 327,265" [state special fund FY 2012 and 2013]
Insert: "227,078 227,265" [state special fund FY 2012 and 2013]

Amendment **not** adopted as follows:
Yeas: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Nays: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 2 - Senator Wanzenried moved **HB 2**, second reading copy, be amended as follows:

1. Page D-5.
Following: line 6
Insert: "c. Representing and Defending Individuals in Death Penalty Cases (Restricted/Biennial/OTO)
453,655 453,655" [general fund FY 2012 and FY 2013]

Amendment **not** adopted as follows:
Yeas: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Nays: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 2 - Senator Blewett moved **HB 2**, second reading copy, be amended as follows:

1. Page D-5, line 2.
Strike: "19,552,887 19,570,173" [general fund FY 2012 and 2013]
Insert: "20,241,582 20,569,609" [general fund FY 2012 and 2013]

2. Page D-5, line 8.
Strike: "964,641 964,140" [general fund FY 2012 and 2013]
Insert: "1,059,182 1,097,456" [general fund FY 2012 and 2013]

Amendment **not** adopted as follows:
Yeas: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Nays: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 2 - Senator Wanzenried moved **HB 2**, second reading copy, be amended as follows:

1. Page D-1, line 4.
Strike: "8,886,852 8,928,373" [general fund FY 2012 and 2013]
Insert: "8,933,810 8,975,331" [general fund FY 2012 and 2013]

2. Page D-1, line 16.
Strike: "24,951,676 25,039,963" [general fund FY 2012 and 2013]
Insert: "24,983,093 25,071,380" [general fund FY 2012 and 2013]

Amendment **not** adopted as follows:
Yeas: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent,

Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Nays: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 2 - Senator Wanzenried moved **HB 2**, second reading copy, be amended as follows:

1. Page D-6.
Following: line 6
Insert: "e. Costs Directly Related to Execution (Restricted/Biennial/OTO)
25,000 25,000" [general fund FY 2012 and FY 2013]

Amendment **not** adopted as follows:
Yeas: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Nays: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 2 - Senator Williams moved **HB 2**, second reading copy, be amended as follows:

1. Page D-3, line 21.
Strike: "6,114,849" [general fund FY 2013]
Insert: "6,290,379" [general fund FY 2013]

Amendment **not** adopted as follows:
Yeas: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Nays: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Zinke moved to close Section D, Corrections Appropriation Subcommittee.
Yeas: Arthun, Balyeat, Barrett, Blewett, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Gallus, Hamlett, Hinkle, Hutton, Jackson, Jent, Jones, Lake, Larsen, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 35

Nays: Augare, Branae, Facey, Gillan, Hawks, Kaufmann, Keane, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 15

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 2 - Senator Lewis moved **HB 2**, as amended, be concurred in. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 27

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 23

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Essmann moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Peterson in the chair. Chairman Gallus moved the Committee of the Whole report be adopted. Report adopted as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Gallus, Hinkle, Hutton, Jackson, Jones, Lake, Larsen, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 30

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SPECIAL ORDERS OF THE DAY

Mr. President, I move that the following undersigned name be **ADDED** as sponsor to **SB 157** Motion carried.

SB 157 (Van Dyk Chief Sponsor)
Senator Essmann.

MOTIONS

Senator Olson moved to change his vote on **HB 2**, **Amendment HB0002059,** from Yes to No. Without objection, so ordered.

Senator Sonju moved to change his vote on **HB 2, Amendment HB0002043,** from Yes to No. Without objection, so ordered.

Senator Moss moved to change her vote on **HB 2, Amendment HB0002035,** from No to Yes. Without objection, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Essmann moved that the Senate adjourn until 12:00 p.m., Tuesday, March 29, 2011. Motion carried.

Senate adjourned at 11:49 p.m.

MARILYN MILLER
Secretary of the Senate

JIM PETERSON
President of the Senate

SENATE JOURNAL
62ND LEGISLATURE
SEVENTIETH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
March 29, 2011 — State Capitol

Senate convened at 12:00 p.m. President Peterson presiding. Invocation by Chaplain Keith Johnson. Pledge of Allegiance to the Flag. Roll Call. All members present. Quorum present.

BILLS AND JOURNALS: 3/29/2011

Correctly printed: **SB 265**, **SB 414**, **SB 418**, **SB 421**, **SB 426**, **SB 429**, **HB 458**.
Correctly engrossed: **SB 214**, **SB 331**, **SB 428**.

President Peterson publically requested the Budget Director to deliver fiscal notes to the Senate by the end of the day for the following bills: **SB 423, SB 326, SB 428,** and **SB 426**.

Senator Gallus noted the fiscal notes should have been included before the standing committee report was read across the rostrum.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 358 passed as follows:
Yeas: Augare, Barrett, Blewett, Branae, Brown, Buttrey, Caferro, Erickson, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Moss, Mowbray, Murphy, Olson, Shockley, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 35

Nays: Arthun, Balyeat, Brenden, Essmann, Facey, Hinkle, Lewis, Moore, Priest, Ripley, Sonju, Steinbeisser, Stewart-Peregoy, Walker, Wittich.
Total 15

Absent or not voting: None.
Total 0

Excused: None.
Total 0

REPORTS OF STANDING COMMITTEES

STATE ADMINISTRATION (Shockley, Chairman): 3/29/2011
SJR 24, do pass. Report adopted.
HB 66, be concurred in. Report adopted.

HB 122, be amended as follows:

1. Page 3, line 7.
Following: "compensation;"
Insert: "and"

2. Page 3, line 8.
Following: "act]"
Strike: ":"

3. Page 3, line 9.
Strike: "(A)" through "2012"

4. Page 3, line 9 through line 10.
Strike: "; and" through "compensation"

5. Page 7, line 28.
Strike: "For"
Insert: "Until October 1, 2011, for"

6. Page 7, line 29.
Following: "amount of"
Insert: "the early"

7. Page 8, line 11 through page 12.
Strike: subsection (c) in its entirety

8. Page 8.
Following: line 12
Insert: "(2) Beginning October 1, 2011, for a member hired prior to [the effective date of this act], the amount of retirement benefit payable following early retirement is the actuarial equivalent of the accrued portion of the service retirement benefit that would have been payable to the member commencing at age 60 or upon completion of 30 years of membership service pursuant to 19-3-904(1), with the exception that the benefit must be reduced using actuarially equivalent factors based on the most recent valuation of the system."

9. Page 8, line 13.
Strike: "(2) (a)"
Insert: "(3)"
Following: "amount of"
Insert: "the early"

10. Page 8, line 15.
Following: "19-3-904(2)"

Strike: "."
Insert: ","

11. Page 8, line 16.
Strike: "(b)" through "19-3-904(2),"

12. Page 8, line 17 through line 22.
Strike: "as follows" on line 17 through "65" on line 22
Insert: "using actuarially equivalent factors based on the most recent valuation of the system"

13. Page 8.
Following: line 22
Insert: "(4) The actuarial reduction provided for in this section must be adjusted for any one-for-five service purchased under 19-3-513."

14. Page 10, line 23.
Following: "**limits**"
Insert: "-- reporting obligations -- liability"

15. Page 11, line 8.
Following: "(3)"
Insert: "(a)"

16. Page 11.
Following: line 11
Insert: "(b) An employer that fails to timely or accurately report the employment of, time worked by, or compensation paid to a retired member as required under subsection (3)(a) is jointly and severally liable with the retired member for repayment to the retirement system of retirement benefits paid to which the member was not entitled, plus interest."

17. Page 11.
Following: line 17
Insert: "(6) Except as provided in subsection (5), if a retired member is employed by an employer in a position that is reportable to the retirement system and the retired member is concurrently working for the employer in another position that is not reportable to the system, the position that is not reportable is considered to be part of the position that is reportable to the retirement system. All earnings of the retired member that are generated by these positions are reportable to the retirement system."
Renumber: subsequent subsection

18. Page 12, line 7.
Following: "19-3-906"
Strike: "(2)"
Insert: "(3)"

And, as amended, be concurred in. Report adopted.

HB 330, be concurred in. Report adopted.
HB 414, be amended as follows:

1. Page 1, line 18 through line 19.
Strike: "if" on line 18 through "constitution on line 19"

2. Page 3, line 2 through line 4.
Strike: "or to limit" on line 2 through "government" on line 4

And, as amended, be concurred in. Report adopted.

HB 483, be amended as follows:

1. Title, page 1, line 5.
Strike: "AND COMMUNITY GROUPS"
Following: "IN"
Insert: "ISSUE AND"

2. Title, page 1, line 6 through line 7.
Strike: "FREEDOM" on line 6 through "EXPRESSION" on line 7
Insert: "THE FREE EXERCISE OF RELIGION AS GUARANTEED BY THE FIRST AMENDMENT OF THE UNITED STATES CONSTITUTION AND ARTICLE II, SECTION 5, OF THE MONTANA CONSTITUTION"

3. Title, page 1, line 9.
Following: "IN"
Insert: "ISSUE AND"

4. Title, page 1, line 10.
Strike: "2-2-121,"
Following: "13-1-101"
Strike: ","
Insert: "AND"
Following: "13-37-226,"
Strike: "AND 13-37-228,"

5. Page 2, line 4.
Strike: "."
Insert: "; and
WHEREAS, Article II, section 5, of the Montana Constitution and the First Amendment to the United States Constitution prohibit the state and Congress from making a law that prohibits the free exercise of religion."

6. Page 2, line 8 through page 4, line 16.
Strike: section 1 in its entirety
Renumber: subsequent sections

7. Page 5, line 1 through line 4.
Strike: subsection (6) in its entirety
Renumber: subsequent subsections

8. Page 5, line 29 through line 30.
Strike: subsection (iii) in its entirety
Insert: "(iii) the cost of any communication by a bona fide church relating to an issue or ballot issue that is made in the normal course of exercising its freedom of religious expression;"

9. Page 6, line 14.
Strike: "(8)"
Insert: "(7)"

10. Page 6, line 19 through line 20.
Strike: subsection (iv) in its entirety
Insert: "(iv) the cost of any communication by a bona fide church relating to an issue or ballot issue that is made in the normal course of exercising its freedom of religious expression; or"

11. Page 7, line 18 through line 19.
Strike: subsection (21) in its entirety
Renumber: subsequent subsections

12. Page 7, line 22.
Strike: "(7)"
Insert: "(6)"

13. Page 7, line 25.
Strike: "(a)"

14. Page 7, line 27.
Strike: "(i)"
Insert: "(a)"
Renumber: subsequent subsections

15. Page 7, line 29.
Following: line 29
Insert: "(b) to support or oppose a ballot issue or a committee organized to support or oppose a ballot issue; or"
Renumber: subsequent subsections

16. Page 7, line 30 through page 8, line 1.
Strike: "to support" through "committee"

17. Page 9, line 6 through page 11, line 6.
Strike: section 3 in its entirety
Insert: "Section 2. Section 13-37-226, MCA, is amended to read:

"13-37-226. Time for filing reports -- rulemaking. (1) Candidates for a state office filled by a statewide vote of all the electors of Montana and political committees that are organized to support or oppose a particular statewide candidate shall file reports electronically as follows:

(a) quarterly, due on the fifth day following a calendar quarter, beginning with the calendar quarter in which funds are received or expended during the year or years prior to the election year that the candidate expects to be on the ballot;

(b) on the 10th day of March, April, July, August, and September;

(c) on the 15th and 5th days preceding the date on which an election is held;

(d) within 24 hours after receiving a contribution of $200 or more if received between the 10th day before the election and the day of the election;

(e) not more than 20 days after the date of the election; and

(f) on the 10th day of March and September of each year following an election until the candidate or political committee files a closing report as specified in 13-37-228(3).

(2) Political committees organized to support or oppose a particular statewide ballot issue shall file reports:

(a) quarterly, due on the fifth day following a calendar quarter, beginning with the calendar quarter in which the text of the proposed ballot issue is submitted for review and approval pursuant to 13-27-202 during the year or years prior to the election year that an issue is or is expected to be on the ballot;

(b) on the 10th day of March and on the 10th day of each subsequent month through September in each year that an election is to be held;

(c) on the 15th and 5th days preceding the date on which an election is held;

(d) within 24 hours after receiving a contribution of $500 or more if received between the 10th day before the election and the day of the election;

(e) within 20 days after the election; and

(f) on the 10th day of March and September of each year following an election until the political committee files a closing report as specified in 13-37-228(3).

(3) Candidates for a state district office, including but not limited to candidates for the legislature, the public service commission, or a district court judge, and political committees that are specifically organized to support or oppose a particular state district candidate or issue shall file reports:

(a) on the 12th day preceding the date on which an election is held;

(b) within 48 hours after receiving a contribution of $100 or more if received between the 17th day before the election and the day of the election. The report under this subsection (3)(b) must be made by mail or by electronic communication to the commissioner and the election administrator of the appropriate county pursuant to 13-37-225.

(c) not more than 20 days after the date of the election; and

(d) whenever a candidate or political committee files a closing report as specified in 13-37-228(3).

(4) Candidates for any other public office and political committees that are specifically organized to support or oppose a particular local issue shall file the reports specified in subsection (3) only if the total amount of contributions received or the total amount of funds expended for all elections in a campaign, excluding the filing fee paid by the candidate, exceeds $500, except as provided in 13-37-206.

(5) For the purposes of this subsection, a committee that is not specifically organized to support or oppose a particular candidate or ballot issue and that receives contributions and makes expenditures in conjunction with an election is an independent committee. For the purpose of reporting, a political party committee is an independent committee. An independent committee shall file:

(a) a report on the 12th day preceding the date of an election in which it participates by making an expenditure;

(b) a report within 24 hours of making an expenditure or incurring a debt or obligation of $500 or more for election material described in 13-35-225(1) if made between the 17th day before the election and the day of the election;

(c) a report not more than 20 days after the date of the election in which it participates by making an expenditure; and

(d) a report on a date to be prescribed by the commissioner for a closing report at the close of each calendar year.

(6) The commissioner may promulgate rules regarding the extent to which organizations that are incidental political committees shall report their politically related activities in accordance with this chapter, except that the commissioner may not promulgate rules to require reporting of contributions or expenditures that are incidental to supporting or opposing a ballot issue or political committee that conflict with the exemptions in 13-1-101(7) and (11) or that are otherwise reported by another political committee.

(7) Except as provided in subsections (1)(d), (2)(d), (3)(b), and (5)(b), all reports required by this section must be complete as of the fifth day before the date of filing as specified in 13-37-228(2) and this section.""

18. Page 11, line 8 through page 12, line 10.
Strike: section 4 and 5 in their entirety

19. Page 12, line 12.
Strike: "Membership"
Insert: "Certain exemptions"

20. Page 12, line 14.
Strike: ""membership"" through "(12)(b)(v)"
Insert: "the exemptions provided in 13-1-101(7)(b)(iii) and (11)(b)(iv)"

21. Page 12, line 16.
Strike: "[Sections 5 and 6] are"
Insert: "[Section 3] is"

22. Page 12, line 18.
Strike: "[sections 5 and 6]"
Insert: "[section 3]"

And, as amended, be concurred in. Report adopted.

HB 491, be concurred in. Report adopted.
HB 530, be amended as follows:

1. Page 2, line 30.
Following: line 30
Insert: "COORDINATION SECTION. **Section 2. Coordination instruction.** If both House Bill No. 99 and [this act] are passed and approved, then the sections amending 13-13-241 are void and 13-13-241 must be amended as follows:

"13-13-241. Examination of absentee ballot return envelopes -- deposit of absentee and unvoted ballots -- rulemaking. (1) (a) ~~After an absentee ballot is received~~ Upon receipt of each absentee ballot signature envelope, an election administrator shall compare the signature of the elector or elector's agent on the absentee ballot request with the signature on the ~~absentee ballot~~ return envelope.

(b) If the elector is legally registered and the signature on the return envelope matches the signature on the absentee ballot application, the election administrator or an election judge shall handle the ballot as a regular ballot.

(c) (i) If the elector is provisionally registered and the signature on the return envelope matches the signature on the absentee ballot application, the election administrator or an election judge shall open the outer return envelope and determine whether the elector's voter identification and eligibility information, if enclosed pursuant to 13-13-201, is sufficient pursuant to rules adopted under 13-2-109 to legally register the elector.

(ii) If the voter identification and eligibility information is sufficient to legally register the elector, the ballot must be handled as a regular ballot.

(iii) If voter identification or eligibility information was not enclosed or the information enclosed is insufficient to legally register the elector, the ballot must be handled as a provisional ballot under 13-15-107.

(2) If a voted absentee ballot has not been placed in a secrecy envelope, the election administrator shall place the ballot in a secrecy envelope without examining the ballot.

(3) In a primary election, unvoted party ballots must be separated from the secrecy envelopes and handled without being removed from their enclosure envelopes.

(4) If an elector's ballot is to be handled as a provisional ballot, the election administrator shall notify the absentee elector ~~by mail or by the most expedient method available under rules adopted by the secretary of state that the elector's identification or eligibility information was insufficient and that the elector's ballot will be treated as a provisional ballot until the elector provides sufficient information, pursuant to rules adopted by the secretary of state. If the elector is notified by mail, the election administrator shall provide a self-addressed return envelope along with a description of the information necessary for the absentee elector to reclassify the provisional ballot as a regular ballot~~ as provided in [section 7 of House Bill No. 99].

(5) If the signature on the absentee ballot return envelope does not match the signature on the absentee ballot request form or if there is no signature on the absentee ballot return envelope, the election administrator shall notify the elector~~, either by first-class mail or the most expedient method available under rules adopted by the secretary of state, and inform the elector that the elector may verify the signature, after proof of identification, by mail or in person at the election administrator's office prior to 8 p.m. on election day.~~

~~(6) The elector may verify the signature by affirming that the signature is in fact the elector's or by completing a new registration card containing the elector's current signature or by filing a new agent designation form.~~

~~(7) If an elector notified pursuant to subsection (5) fails to verify the signature before 8 p.m. on election day, the ballot must be handled as a provisional ballot under 13-15-107~~ as provided in [section 7 of House Bill No. 99].

(6) If at any point there is a question concerning the validity of a particular ballot, the question must be resolved as provided in [section 7 of House Bill No. 99].

~~(8)~~(7) (a) After receiving an absentee ballot secrecy envelope~~, without opening the secrecy envelope, the election judges shall on election day place the secrecy envelope in the proper ballot box~~ and if the validity of the ballot is confirmed pursuant to [section 7 of House Bill No. 99], then, no sooner than 1 business day before election day, the election official may, in the presence of a poll watcher, open the secrecy envelope and place the ballot in the proper, secured ballot box until tabulation occurs on election day.

(b) The secretary of state shall develop administrative rules to establish the process and procedures to be used during the early preparation of ballots to ensure the security of the ballots and the secrecy of the votes during the early preparation period. The rules must include but are not limited to:

(i) the allowable distance from the observers to the judges and ballots;

(ii) the security in the observation area;

(iii) secrecy of votes during the preparation of the ballots; and

(iv) security of the secured ballot boxes in storage until tabulation procedures begin on election day.""

And, as amended, be concurred in. Report adopted.

HB 543, be amended as follows:

1. Page 2, line 8.
Following: "LINK TO THE"
Insert: "source of the"

And, as amended, be concurred in. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 3/28/2011

HB 14, introduced by Menahan

HB 175, introduced by Regier
HB 363, introduced by Cuffe
HB 445, introduced by C. Smith
HB 463, introduced by Reichner
HB 477, introduced by Hollandsworth
HB 495, introduced by Cook
HB 518, introduced by Hunter
HB 560, introduced by Arntzen
HB 561, introduced by Arntzen
HB 562, introduced by Arntzen
HB 577, introduced by Stahl
HB 604, introduced by Cook
HB 607, introduced by Welborn
HB 609, introduced by MacLaren
HB 612, introduced by Roberts
HB 614, introduced by Miller
HB 618, introduced by Pease-Lopez
HB 622, introduced by Ankney
HB 631, introduced by Menahan
HB 632, introduced by Taylor
HB 633, introduced by Esp
HB 638, introduced by Howard

MOTIONS

Senator Gillan requested insight as to why the House of Representatives would have acted on a revenue estimate bill and then referred the bill back to committee. President Peterson stated he would investigate the matter.

FIRST READING AND COMMITMENT OF BILLS

The following Senate resolutions were introduced, read first time, and referred to committees:

SR 5, introduced by Olson, referred to Energy and Telecommunications.
SR 6, introduced by Shockley, referred to State Administration.
SR 7, introduced by Barrett, referred to Natural Resources.
SR 8, introduced by Barrett, referred to Natural Resources.
SR 9, introduced by Barrett, referred to Natural Resources.
SR 10, introduced by Barrett, referred to Natural Resources.
SR 11, introduced by Barrett, referred to Natural Resources.
SR 12, introduced by Barrett, referred to Natural Resources.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Essmann moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Sonju in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 397 - Senator Essmann moved consideration of **SB 397** be placed at the bottom of the second reading board. Motion carried.

SB 187 - Senator Kaufmann moved consideration of **SB 187** be placed below SB 157 on the second reading board. Motion carried.

SB 406 - Senator Essmann moved **SB 406** do pass.

SB 406 - Senator Branae moved **SB 406**, second reading copy, be amended as follows:

1. Title, line 7 through line 8.
Strike: "ALLOWING" on line 7 through "UNSUCCESSFUL;" on line 8

2. Page 2, line 3.
Following: "successful,"
Insert: "the department must, after 30 days' notice published on the department's website, hold a public hearing relating to equalization of the agreed-to value in relation to other properties in the class and to properties in other classes. Based upon comments at the public hearing, the parties may modify the agreement or either party may request the reopening of the mediation to further consider the matter. If after the hearing no change in the agreement is warranted,"

3. Page 2, line 7 through line 10.
Strike: "or the" on line 7 through "district" on line 10

4. Page 10, line 9.
Strike: "elect" through "court or"

Amendment **not** adopted as follows:
Yeas: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Nays: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju,

Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 406 - Thereupon, the Senate reverted to the original motion of Senator Essmann which passed as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hamlett, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 29

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 157 - Senator Van Dyk moved **SB 157** do pass. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 46

Nays: Brenden, Hinkle, Walker, Wittich.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 187 - Senator Shockley moved **SB 187** do pass.

SB 187 - Senator Shockley moved **SB 187**, second reading copy, be amended as follows:

1. Page 4, line 2.
Following: "appeal"
Insert: "if the appeal is unsuccessful"

2. Page 5, line 11 through line 15.
Strike: subsection (8) in its entirety
Insert: "(8) If the offender is under state supervision, payment of costs of counsel is a condition of any probation or parole."

Amendment adopted as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Brenden, Brown, Buttrey, Caferro, Essmann, Facey, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Windy Boy, Wittich, Zinke, Mr. President.
Total 41

Nays: Branae, Erickson, Gallus, Kaufmann, Keane, Larsen, Moss, Wanzenried, Williams.
Total 9

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 187 - Senator Shockley moved **SB 187**, as amended, do pass. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Jackson, Jent, Jones, Lake, Lewis, Moore, Olson, Priest, Ripley, Shockley, Sonju, Tutvedt, Vincent, Vuckovich, Walker, Windy Boy, Wittich, Zinke, Mr. President.
Total 27

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Kaufmann, Keane, Larsen, Moss, Mowbray, Murphy, Steinbeisser, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried, Williams.
Total 23

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Gallus excused at this time.

SB 359 - Senator Caferro moved **SB 359** do pass. Motion carried as follows:
Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brenden, Buttrey, Caferro, Erickson, Facey, Gillan, Hamlett, Hawks, Jent, Jones, Kaufmann, Keane, Larsen, Moss, Olson, Priest, Ripley, Shockley, Sonju, Stewart-Peregoy, Tropila, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke.
Total 33

Nays: Balyeat, Brown, Essmann, Hinkle, Hutton, Jackson, Lake, Lewis, Moore, Mowbray, Murphy, Steinbeisser, Tutvedt, Walker, Wittich, Mr. President.
Total 16

Absent or not voting: None.
Total 0

Excused: Gallus.
Total 1

SB 390 - Senator Jones moved **SB 390** do pass. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Essmann, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jones, Keane, Lake, Larsen, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Wanzenried, Williams, Wittich, Zinke, Mr. President.
Total 42

Nays: Erickson, Facey, Jent, Kaufmann, Moss, Van Dyk, Windy Boy.
Total 7

Absent or not voting: None.
Total 0

Excused: Gallus.
Total 1

Senator Gallus present at this time.

SB 400 - Senator Vincent moved **SB 400** do pass. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Gallus, Hinkle, Hutton, Jackson, Jones, Keane, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Zinke, Mr. President.

Total 28

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gillan, Hamlett, Hawks, Jent, Kaufmann, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 411 - Senator Erickson moved **SB 411** do pass. Motion carried as follows:
Yeas: Arthun, Augare, Blewett, Branae, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Sonju, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 39

Nays: Balyeat, Barrett, Brenden, Hinkle, Hutton, Ripley, Shockley, Steinbeisser, Vincent, Walker, Wittich.
Total 11

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 412 - Senator Augare moved **SB 412** do pass. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Blewett, Branae, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 45

Nays: Barrett, Brenden, Hinkle, Walker, Wittich.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 415 - Senator Lake moved **SB 415** do pass.

SB 415 - Senator Lake moved **SB 415**, second reading copy, be amended as follows:

1. Page 1, line 16.
Strike: "severance, ad valorem, or conservation taxes or"

Amendment adopted as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke.
Total 49

Nays: Mr. President.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 415 - Senator Lake moved **SB 415**, as amended, do pass. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brown, Buttrey, Essmann, Gallus, Hamlett, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 31

Nays: Augare, Blewett, Branae, Brenden, Caferro, Erickson, Facey, Gillan, Hawks, Kaufmann, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 19

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 415 - Senator Essmann moved consideration of **SB 423** be moved to the next board. Motion carried.

SB 417 - Senator Buttrey moved consideration of **SB 417** be placed at the bottom of the second reading board Motion carried.

SB 420 - Senator Gallus moved **SB 420** do pass. Motion carried as follows:
Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 48

Nays: Balyeat, Moore.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 424 - Senator Williams moved **SB 424** do pass. Motion carried as follows:
Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 46

Nays: Balyeat, Hinkle, Walker, Wittich.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 397 - Senator Kaufmann moved consideration of **SB 397** be moved to the second board. Motion carried.

SB 417 - Senator Buttrey moved **SB 417** do pass. Motion carried as follows:
Yeas: Augare, Blewett, Branae, Buttrey, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett,

Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moss, Murphy, Olson, Shockley, Sonju, Stewart-Peregoy, Tropila, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke.
Total 34

Nays: Arthun, Balyeat, Barrett, Brenden, Brown, Essmann, Hinkle, Moore, Mowbray, Priest, Ripley, Steinbeisser, Tutvedt, Walker, Wittich, Mr. President.
Total 16

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Essmann moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. Senate resumed. President Peterson in the chair. Chairman Sonju moved the Committee of the Whole report be adopted. Report adopted as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Wittich, Zinke, Mr. President.
Total 49

Nays: Windy Boy.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

MOTIONS

Senator Caferro moved to change her vote on **SB 415** from Yes to No. Without objection, so ordered.

Senator Larsen moved to change his vote on **SB 406** from Yes to No. Without objection, so ordered.

Senator Erickson moved to change his vote on **SB 358** from No to Yes. Without objection, so ordered.

REPORTS OF STANDING COMMITTEES

FISH AND GAME (Brenden, Chairman): 3/29/2011
HB 172, be amended as follows:

1. Page 3, line 22.
Following: "population of"
Insert: "grizzly bears from decreasing below sustainable levels and with the intent to meet population objectives for"

2. Page 3, line 22 through line 23.
Strike: "from" on line 22 through "87-1-323" on line 23

And, as amended, be concurred in. Report adopted.

HB 272, be concurred in. Report adopted.
HB 361, be amended as follows:

1. Page 2, line 9 through line 12.
Strike: subsection (i) in its entirety
Insert: "(i) unless the elk population for a hunting district falls below 85% of the objective level determined according to 87-1-323(1), may not:
(i) limit or reduce the number of archery-only elk permits available in a hunting district from the number issued for that district in 2007 and shall issue those permits in the same manner in which they were issued in 2007; or
(ii) implement limited-entry archery-only elk permits in a district in which archery-only elk permits were not required in 2007."

And, as amended, be concurred in. Report adopted.

NATURAL RESOURCES (Barrett, Chairman): 3/29/2011
SJR 21, do pass. Report adopted.

Senator Essmann moved the Senate recess until 4:00 p.m. Motion carried.

Senate in recess.

Senate reconvened.

Senator Williams announced the Democrats would caucus.

Senator Essmann announced the Republicans would caucus.

Senate in recess.

Senate reconvened.

REPORTS OF STANDING COMMITTEES

AGRICULTURE, LIVESTOCK AND IRRIGATION (Steinbeisser, Chairman): 3/29/2011
HB 133, be amended as follows:

1. Page 1, line 14.
Following: "(1)"
Insert: "(a)"

2. Page 1, line 16 and 17.
Following: "board shall"
Insert: "attempt informal resolution"
Strike: "notify the" on line 16 through "mail" on line 17
Following: "noxious weeds"
Insert: "by notifying the landowner by mail or telephone."
Strike: "and the"
Insert: "If the situation is not resolved after the initial mail or telephone contact, the"

3. Page 1, line 18.
Following: "land"
Insert: "by sending the request by certified mail at least 10 days after the initial contact is attempted"
Following: "~~The~~"
Insert: "(b)"

4. Page 1, line 20.
Following: "10 DAYS."
Insert: "(c)"

5. Page 1, line 23.
Strike: "7"
Insert: "10"

6. Page 1, line 24.
Strike: "3"
Insert: "10"
Strike: "NOTIFYING the landowner"
Insert: "sending a certified letter to the address listed on the tax records for the property or the agent of service"

7. Page 1, line 25.
Strike: "contact or" through "landowner"
Insert: "determine the owner of the property or the landowner objects to the inspection"

8. Page 1, line 28.
Following: "(2) (a)"
Insert: "(i)"

9. Page 1, line 30.
Following: "by"
Insert: "certified"

10. Page 2, line 2.
Following: "management program."
Insert: "(ii) The notice must contain the language specified in this section."
Strike: "The"
Insert: "(iii) If ownership of the land is in question or the board believes it is advisable, the"

11. Page 2, line 9 through line 10.
Following: "board"
Insert: "of county commissioners"
Strike: "to"
Following: "penalty"
Strike: "equal to" on line 9 through "found" on line 20

12. Page 2, line 11.
Following: "~~penalty~~"
Insert: "as established by the board following a public hearing after providing notice as required in 7-1-2121"

13. Page 2, line 12.
Following: "(C)"
Insert: "(i)"

14. Page 2, line 13 through line 14.
Following: "A HEARING"
Strike: "IN COURT"
Insert: "before the board"

15. Page 2.
Following: line 15
Insert: "(ii) If the landowner's objection to the board's action remains after the hearing, the landowner has 10 days to appeal the board's decision to the district court having jurisdiction in the county in which the property is located."

16. Page 2, line 18.
Following: "FROM THE"
Insert: "board or the"

17. Page 2, line 20.
Strike: "month" in both places
Insert: "year" in both places

18. Page 3, line 3.
Insert: "(5)If a court issues an order approving a board's actions, the court retains jurisdiction over the matter:
(a) until the actions specified in the weed management plan or court order are complete;
(b) for the length of time specified in the order; or
(c) for 5 years if the order does not specify a time limit.
(6) The department shall provide boards with a uniform notification form that must be used when notifying landowners of potential noncompliance with this part. The form must:
(a) list the noxious weeds found on the property;
(b) provide the legal description of the property;
(c) provide the address of the property, if available;
(d) state the fact that the presence of the weeds violates state law and that the landowner has 10 days after mailing of the notice to contact the board or its agent;
(e) provide the address and phone number for the board or its agent;
(f) notify the landowner of the landowner's:
(i) responsibility to submit a weed management proposal; and (ii) right to request a hearing to contest the finding of noncompliance, including the timeframe for making the request; and
(g) specify the actions the board may take if the landowner fails to remove the weeds, including but not limited to the anticipated costs of destroying the weeds, the 25% penalty allowed under 7-22-2124, and the board's intent to file a court action to impose a civil fine that may become a lien upon the property.

19. Page 3, line 5 through 7.
Following: "(1) (a)" on line 5
Strike: "If the" on line 5 through "7-22-2123(3), the" on line 7
Insert: "The" on line 7

20. Page 3, line 9.
Strike: "(1)(b)(iii)"
Insert: "(1)(c)(iii), if:
(i) the landowner or the landowner's representative does not take corrective action within the time specified in 7-22-2123(2);
(ii) a proposal is not made and accepted as provided in 7-22-2123(3); and
(iii) the board does not receive a formal objection or a request for a hearing"
Following: "."

Insert: "(b)"

21. Page 3, line 12.
Strike: "(b)"
Insert: "(c)"
Following: "After"
Insert: "taking action pursuant to subsection (1)(a) or "

22. Page 3, line 13 through line 15.
Strike: ", itemizing hours" on line 13 through "(1)(b)(iii), together with" on line 15
Insert: "that covers the costs of the weed control measures and contains"

23. Page 3, line 17.
Following: "~~7-22-2123~~."
Insert: "The bill must itemize the hours of labor, cost of material, equipment time, legal fees, and court costs or provide an invoice from a commercial applicator if the board contracted for weed control pursuant to subsection (1)(c)(iii)."

24. Page 3, line 21.
Following: "in the district."
Insert: "The bill must reflect actual legal fees and court costs incurred by the board."

25. Page 4, line 18 through line 22.
Strike: subsection (2) in its entirety
Renumber: subsequent subsection

26. Page 4, line 24.
Strike: "all of"
Insert: "the infested parcel of"

And, as amended, be concurred in. Report adopted.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Essmann moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Sonju in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 397 - Senator Kaufmann moved **SB 397** do pass.

Senator Gallus disclosed that his spouse is the current Commissioner of Political Practices.

SB 397 - Senator Kaufmann moved **SB 397**, second reading copy, be amended as follows:

1. Title, page 1, line 6.
Strike: "CAMPAIGN ADVERTISING"
Insert: "ELECTION MATERIAL"

2. Title, page 1, line 8.
Strike: "SECTIONS 2-2-121, 13-1-101,"
Insert: "SECTION"
Strike: "AND 13-37-226,"

3. Page 1, line 12.
Strike: "CAMPAIGN ADVERTISING"
Insert: "materials"

4. Page 1, line 14.
Strike: "CAMPAIGN ADVERTISING VIOLATES"
Insert: "election materials violate"

5. Page 1, line 15.
Strike: "$100" through "in"
Insert: "up to $300 for each order of noncompliance for"

6. Page 1, line 16.
Strike: "CAMPAIGN ADVERTISING"
Insert: "election material"
Strike: "an"
Insert: "the"

7. Page 1, line 17.
Strike: ", up to a maximum penalty of $2,500"

8. Page 1, line 24 through line 25.
Strike: subsection (3) in its entirety
Insert: "(3) If the outcome of the informal contested case hearing described in subsection (2) is not acceptable to the person subject to an order of noncompliance issued under 13-35-225(6), the person may pursue judicial review as authorized in 13-37-122."

9. Page 1, line 30 through page 8, line 25.
Strike: section 2 and section 3 in their entirety
Renumber: subsequent sections

10. Page 8, line 28.
Strike: "CAMPAIGN ADVERTISING"
Insert: "Election materials"

11. Page 8, line 30.
Strike: "CAMPAIGN ADVERTISING"
Insert: "All communications expressly advocating the success or defeat of a candidate, political party, or ballot issue"

12. Page 9, line 3 through line 4.
Strike: "CAMPAIGN ADVERTISING"
Insert: "communication"

13. Page 9, line 5.
Strike: "CAMPAIGN ADVERTISING"
Insert: "election material"

14. Page 9, line 8.
Strike: "CAMPAIGN ADVERTISING"
Insert: "election material"

15. Page 9, line 11.
Strike: "CAMPAIGN ADVERTISING"
Insert: "Communications"

16. Page 9, line 14.
Strike: "CAMPAIGN ADVERTISING"
Insert: "Printed election material"

17. Page 9, line 22.
Strike: "CAMPAIGN ADVERTISING"
Insert: "election material"

18. Page 9, line 24.
Strike: "CAMPAIGN ADVERTISING"
Insert: "communication"

19. Page 9, line 25.
Strike: "CAMPAIGN ADVERTISING"
Insert: "election material"

20. Page 9, line 27.
Following: "~~the material~~"
Insert: "the material"

21. Page 9, line 28.
Strike: "CAMPAIGN ADVERTISING"
Insert: "communication"

22. Page 10, line 1.
Following: "~~the material~~"
Insert: "the material"

23. Page 10, line 2.
Strike: "CAMPAIGN ADVERTISING"
Insert: "communication"

24. Page 10, line 5.
Strike: "CAMPAIGN ADVERTISING"
Insert: "material"

25. Page 10, line 6.
Strike: "CAMPAIGN ADVERTISING"
Insert: "communication"

26. Page 10, line 8.
Strike: "CAMPAIGN ADVERTISING"
Insert: "election material"

27. Page 10, line 9.
Strike: "CAMPAIGN ADVERTISING"
Insert: "material"

28. Page 10, line 10.
Strike: ", AS DEFINED BY RULE,"
Strike: "CAMPAIGN ADVERTISING"
Insert: "material"

29. Page 10, line 11.
Strike: "CAMPAIGN ADVERTISING"
Insert: "material"

30. Page 10, line 15 through page 12, line 12.
Strike: section 5 in its entirety
Renumber: subsequent sections

Amendment adopted as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 397 - Senator Kaufmann moved **SB 397**, as amended, do pass. Motion carried as follows:

Yeas: Arthun, Augare, Blewett, Branae, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Jones, Kaufmann, Keane, Larsen, Lewis, Moss, Mowbray, Ripley, Shockley, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 34

Nays: Balyeat, Barrett, Brenden, Hinkle, Hutton, Jackson, Lake, Moore, Murphy, Olson, Priest, Sonju, Steinbeisser, Vincent, Walker, Wittich.
Total 16

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 423 - Senator Essmann moved consideration of **SB 423** be passed for the day. Motion carried.

SB 214 - Senator Gillan moved **SB 214** do pass. Motion carried as follows:
Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jent, Jones, Kaufmann, Keane, Larsen, Lewis, Moss, Mowbray, Murphy, Olson, Ripley, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 39

Nays: Balyeat, Hinkle, Jackson, Lake, Moore, Priest, Shockley, Sonju, Vincent, Walker, Wittich.
Total 11

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 265 - Senator Hamlett moved **SB 265** do pass.

SB 265 - Senator Hamlett moved **SB 265**, second reading copy, be amended as follows:

1. Title, page 1, line 5.
Strike: "RESIDENTIAL GRAY WATER SYSTEMS AND"

2. Page 1, line 13.
Strike: "4"
Insert: "3"

3. Page 2, line 5 through line 17.
Strike: section 2 in its entirety
Renumber: subsequent sections

4. Page 2, line 21.
Strike: "70%"
Insert: "91%"

5. Page 3, line 8.
Strike: "or 3"

6. Page 3, line 9.
Strike: "gray water system under [section 2] or"

7. Page 3, line 10.
Strike: "3"
Insert: "2"

8. Page 3, line 11.
Strike: "or section 3"

9. Page 3, line 14.
Strike: "4"
Insert: "3"

10. Page 3, line 16.
Strike: "4"
Insert: "3"

11. Page 3, line 20.
Strike: "residential dwellings and"

Amendment adopted as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 265 - Senator Hamlett moved **SB 265**, as amended, do pass. Motion carried as follows:
Yeas: Augare, Barrett, Blewett, Branae, Brown, Buttrey, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jackson, Jent, Kaufmann, Keane, Larsen, Moss, Murphy, Olson, Shockley, Stewart-Peregoy, Tropila, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke.
Total 31

Nays: Arthun, Balyeat, Brenden, Essmann, Hinkle, Hutton, Jones, Lake, Lewis, Moore, Mowbray, Priest, Ripley, Sonju, Steinbeisser, Tutvedt, Walker, Wittich, Mr. President.
Total 19

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 326 - Senator Larsen moved **SB 326** do pass. Motion carried as follows:
Yeas: Augare, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 40

Nays: Arthun, Balyeat, Essmann, Hinkle, Lake, Sonju, Tutvedt, Vincent, Walker, Wittich.
Total 10

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 331 - Senator Jent moved **SB 331** do pass. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Ripley, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 43

Nays: Brenden, Hinkle, Priest, Sonju, Tutvedt, Walker, Wittich.
Total 7

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 414 - Senator Vincent moved **SB 414** do pass. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Brenden, Brown, Buttrey, Caferro, Essmann, Hamlett, Hinkle, Hutton, Jackson, Jones, Keane, Lake, Lewis, Moore, Mowbray, Olson, Priest, Ripley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 30

Nays: Blewett, Branae, Erickson, Facey, Gallus, Gillan, Hawks, Jent, Kaufmann, Larsen, Moss, Murphy, Shockley, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 418 - Senator Wittich moved **SB 418** do pass. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Mr. President.
Total 27

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke.
Total 23

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 421 - Senator Shockley moved **SB 421** do pass. Motion carried as follows:
Yeas: Augare, Barrett, Blewett, Branae, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moss, Mowbray, Murphy, Shockley, Sonju, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 41

Nays: Arthun, Balyeat, Brenden, Moore, Olson, Priest, Ripley, Steinbeisser, Walker.
Total 9

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 426 - Senator Balyeat moved **SB 426** do pass. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 429 - Senator Wittich moved **SB 429** do pass.

Senator Gillan requested a ruling from the Chair regarding the phrase "authorizing a reinstatement fee" and suggested **SB 429** should have a fiscal note. The Chair ruled the hearing could continue.

Senator Williams objected to the Chair's ruling. The Chair noted the objection.

Senator Gallus rose on a point of order regarding the order in which the Chair recognized Senators.

SB 429 - Senator J. Peterson made a **substitute motion** that consideration of **SB 429** be passed for the day. Motion carried as follows:
Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brenden, Brown, Caferro, Erickson, Essmann, Facey, Gillan, Hamlett, Hawks, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 39

Nays: Balyeat, Buttrey, Gallus, Hinkle, Hutton, Jackson, Mowbray, Steinbeisser, Vincent, Walker, Wittich.
Total 11

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Gallus moved to reconsider the previous action. Motion **failed** as follows:
Yeas: Balyeat, Blewett, Buttrey, Gallus, Hamlett, Hinkle, Jackson, Larsen, Moore, Mowbray, Murphy, Priest, Ripley, Shockley, Steinbeisser, Walker, Wanzenried, Wittich.
Total 18

Nays: Arthun, Augare, Barrett, Branae, Brenden, Brown, Caferro, Erickson, Essmann, Facey, Gillan, Hawks, Hutton, Jent, Jones, Kaufmann, Keane, Lake, Lewis, Moss, Olson, Sonju, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Williams, Windy Boy, Zinke, Mr. President.
Total 32

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Essmann moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Peterson in the chair. Chairman Sonju moved the Committee of the Whole report be adopted. Report adopted as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Brenden, Brown, Buttrey, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hinkle, Hutton, Jackson, Jones, Keane, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Wittich, Zinke, Mr. President.
Total 34

Nays: Blewett, Branae, Caferro, Hawks, Jent, Kaufmann, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Walker, Wanzenried, Williams, Windy Boy.
Total 16

Absent or not voting: None.
Total 0

Excused: None.
Total 0

FIRST READING AND COMMITMENT OF BILLS

The following Senate resolution was introduced, read first time, and referred to committee:

SR 13, introduced by Zinke, referred to Education and Cultural Resources.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Essmann moved that the Senate adjourn until 9:00 a.m., Wednesday, March 30, 2011. Motion carried.

Senate adjourned at 7:36 p.m.

MARILYN MILLER
Secretary of the Senate

JIM PETERSON
President of the Senate

SENATE JOURNAL
62ND LEGISLATURE
SEVENTY-FIRST LEGISLATIVE DAY

Helena, Montana — Senate Chambers
March 30, 2011 — State Capitol

Senate convened at 9:00 a.m. President Peterson presiding. Invocation by Chaplain Keith Johnson. Pledge of Allegiance to the Flag. Roll Call. All members present, except Senators Balyeat and Gillan, excused. Quorum present.

Senator Gillan present.

BILLS AND JOURNALS: 3/29/2011

Correctly engrossed: **SB 187**, **SB 265**, **SB 397**, **SB 415**.

3/30/2011

Correctly printed: **SB 157**, **SB 214**, **SB 326**, **SB 331**, **SB 359**, **SB 390**, **SB 400**, **SB 406**, **SB 411**, **SB 412**, **SB 414**, **SB 417**, **SB 418**, **SB 420**, **SB 421**, **SB 424**, **SB 426**, **SJR 21**, **SJR 24**, **SR 5**, **SR 6**, **SR 7**, **SR 8**, **SR 9**, **SR 10**, **SR 11**, **SR 12**, **SR 13**, **HB 66**, **HB 272**, **HB 330**, **HB 491**.

Correctly engrossed: **SB 423**, **HB 2**, **HB 122**, **HB 133**, **HB 172**, **HB 361**, **HB 414**, **HB 483**, **HB 530**, **HB 543**.

Senate in recess.

Senate reconvened.

Senator Balyeat present.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 2 concurred in as follows:
Yeas: Arthun, Barrett, Brenden, Brown, Buttrey, Essmann, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 26

Nays: Augare, Balyeat, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 24

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 157 passed as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 46

Nays: Brenden, Steinbeisser, Walker, Wittich.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 214 passed as follows:
Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Facey, Gillan, Hamlett, Hawks, Jent, Jones, Kaufmann, Keane, Larsen, Lewis, Moss, Mowbray, Murphy, Olson, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 35

Nays: Balyeat, Essmann, Gallus, Hinkle, Hutton, Jackson, Lake, Moore, Priest, Ripley, Shockley, Sonju, Vincent, Walker, Wittich.
Total 15

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 326 passed as follows:
Yeas: Augare, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Ripley, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 39

Nays: Arthun, Balyeat, Essmann, Hinkle, Lake, Priest, Sonju, Tutvedt, Vincent, Walker, Wittich.
Total 11

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 331 passed as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Ripley, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 41

Nays: Brenden, Hinkle, Lake, Priest, Sonju, Tutvedt, Vincent, Walker, Wittich.
Total 9

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 359 passed as follows:
Yeas: Augare, Barrett, Blewett, Branae, Brenden, Buttrey, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Jones, Kaufmann, Keane, Larsen, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke.
Total 34

Nays: Arthun, Balyeat, Brown, Essmann, Hinkle, Hutton, Jackson, Lake, Lewis, Moore, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Mr. President.
Total 16

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 390 passed as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Essmann, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jones, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Vincent, Walker, Wanzenried, Williams, Wittich, Zinke, Mr. President.
Total 42

Nays: Caferro, Erickson, Facey, Jent, Kaufmann, Van Dyk, Vuckovich, Windy Boy.
Total 8

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 400 passed as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Gallus, Gillan, Hinkle, Hutton, Jackson, Keane, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Zinke, Mr. President.
Total 30

Nays: Blewett, Branae, Caferro, Erickson, Facey, Hamlett, Hawks, Jent, Jones, Kaufmann, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Wittich.
Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 406 passed as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Mr. President.
Total 27

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke.
Total 23

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 411 passed as follows:
Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moss, Mowbray, Murphy, Olson, Priest, Shockley, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 38

Nays: Balyeat, Brenden, Hinkle, Hutton, Jackson, Moore, Ripley, Sonju, Steinbeisser, Vincent, Walker, Wittich.
Total 12

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 412 passed as follows:
Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brown, Buttrey, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 42

Nays: Balyeat, Brenden, Essmann, Hinkle, Lake, Shockley, Walker, Wittich.
Total 8

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 414 passed as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Branae, Brenden, Brown, Buttrey, Caferro, Essmann, Hamlett, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Olson, Priest, Ripley, Sonju, Steinbeisser, Tutvedt, Vincent, Vuckovich, Walker, Zinke, Mr. President.
Total 30

Nays: Blewett, Erickson, Facey, Gallus, Gillan, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Murphy, Shockley, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried, Williams, Windy Boy, Wittich.
Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 417 passed as follows:
Yeas: Arthun, Augare, Balyeat, Blewett, Branae, Buttrey, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moss, Murphy, Olson, Shockley, Sonju, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Williams, Zinke, Mr. President.
Total 37

Nays: Barrett, Brenden, Brown, Essmann, Hinkle, Moore, Mowbray, Priest, Ripley, Steinbeisser, Vincent, Windy Boy, Wittich.
Total 13

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 418 passed as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Mr. President.
Total 27

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke.
Total 23

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 420 passed as follows:
Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 45

Nays: Balyeat, Gallus, Hinkle, Moore, Shockley.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 421 passed as follows:
Yeas: Augare, Blewett, Branae, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moss, Mowbray, Murphy, Olson, Priest, Shockley, Sonju, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 41

Nays: Arthun, Balyeat, Barrett, Brenden, Moore, Ripley, Steinbeisser, Vincent, Wittich.
Total 9

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 424 passed as follows:
Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 45

Nays: Balyeat, Hinkle, Lake, Walker, Wittich.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 426 passed as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 187 passed as follows:
Yeas: Arthun, Balyeat, Blewett, Brenden, Brown, Buttrey, Essmann, Hamlett, Hinkle, Jackson, Jent, Jones, Lake, Lewis, Moore, Mowbray, Olson, Priest, Shockley, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 26

Nays: Augare, Barrett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hawks, Hutton, Kaufmann, Keane, Larsen, Moss, Murphy, Ripley, Sonju, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 24

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 265 passed as follows:
Yeas: Augare, Barrett, Blewett, Branae, Brown, Buttrey, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jackson, Jent, Kaufmann, Keane, Larsen, Lewis, Moss, Murphy, Olson, Ripley,

Shockley, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 33

Nays: Arthun, Balyeat, Brenden, Essmann, Hinkle, Hutton, Jones, Lake, Moore, Mowbray, Priest, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich.
Total 17

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 397 passed as follows:
Yeas: Arthun, Augare, Blewett, Branae, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moss, Mowbray, Olson, Ripley, Shockley, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 35

Nays: Balyeat, Barrett, Brenden, Hinkle, Hutton, Jackson, Moore, Murphy, Priest, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich.
Total 15

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 415 passed as follows:
Yeas: Arthun, Balyeat, Barrett, Brown, Buttrey, Essmann, Gallus, Hamlett, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 31

Nays: Augare, Blewett, Branae, Brenden, Caferro, Erickson, Facey, Gillan, Hawks, Kaufmann, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 19

Absent or not voting: None.
Total 0

Excused: None.
Total 0

MOTIONS

Senator Balyeat addressed an issue that had arisen regarding a proxy vote for Senator Shockley on **HB 361** in the Fish and Game Committee.

Senator Balyeat moved **HB 361** be moved from the Committee of the Whole to the Fish and Game committee. Motion carried as follows:

Yeas: Augare, Balyeat, Blewett, Erickson, Essmann, Facey, Gallus, Hamlett, Hawks, Hutton, Jent, Jones, Kaufmann, Lake, Larsen, Moore, Moss, Mowbray, Murphy, Priest, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Wittich.
Total 30

Nays: Arthun, Barrett, Branae, Brenden, Brown, Buttrey, Caferro, Gillan, Hinkle, Jackson, Keane, Lewis, Olson, Ripley, Sonju, Tutvedt, Vincent, Walker, Zinke, Mr. President.
Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Olson moved **HB 361** be moved from the Fish and Game committee to the Committee of the Whole and placed on second reading on Wednesday, March 30, 2011. Motion **failed** as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Hinkle, Hutton, Jackson, Lewis, Mowbray, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Williams, Wittich, Zinke, Mr. President.
Total 24

Nays: Augare, Blewett, Branae, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Moore, Moss, Murphy, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 26

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Sonju moved to change his vote on **SB 417** from No to Yes. Without objection, so ordered.

Senator Shockley moved to change his vote on **SB 400** from No to Yes. Without objection, so ordered.

Senator Windy Boy moved to change his vote on **SB 411** from No to Yes. Without objection, so ordered.

Senator Williams rose on a point of personal privilege and urged the Office of Budget and Program Planning to deliver the fiscal note on **SB 423** as soon as possible.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Essmann moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Vincent in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 318 - Senator Brown moved **HB 318** be concurred in. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Vuckovich, Walker, Mr. President.
Total 27

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried, Williams, Windy Boy, Wittich, Zinke.
Total 23

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Windy Boy objected to the Chair's request that Senators limit their comments and only speak once.

HB 480 - Senator Blewett moved **HB 480** be concurred in. Motion carried as follows:
Yeas: Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moss, Mowbray, Murphy, Olson, Priest, Shockley, Sonju, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Windy

Boy, Zinke, Mr. President.
Total 43

Nays: Arthun, Hinkle, Moore, Ripley, Steinbeisser, Walker, Wittich.
Total 7

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 566 - Senator Gallus moved **HB 566** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Branae, Brenden, Brown, Buttrey, Caferro, Essmann, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jones, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 44

Nays: Blewett, Erickson, Facey, Jent, Kaufmann, Van Dyk.
Total 6

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Williams announced the Democrats would caucus.

Senator Essmann announced the Republicans would caucus.

SB 423 - Senator Essmann moved **SB 423** do pass.

SB 423 - Senator Essmann moved **SB 423**, second reading copy, be amended as follows:

1. Page 6, line 25.
Strike: "report"
Insert: "reports"

2. Page 9, line 22.
Insert: "[(12) The board of medical examiners shall report annually to the legislature, as provided in 37-3-203, on the number and types of complaints the board has received involving practices in providing written certification for the therapeutic use of marijuana.]"

3. Page 14, line 21.
Following: "(2)"
Strike: "A"
Insert: "[Except as provided in 37-3-203,] a"

4. Page 23, line 13.
Following: "cardholder"
Insert: "or from a grower to a manufacturer"

5. Page 23, line 25.
Following: "cardholder"
Insert: "or therapeutic marijuana-infused products manufacturer"

6. Page 25, line 21.
Following: "cardholder"
Insert: "or therapeutic marijuana-infused products manufacturer"

7. Page 46, line 30.
Strike: "61(4)"
Insert: "65(4)"

8. Page 51, line 9.
Strike: "this act"
Insert: "section 65(4)"

9. Page 51, line 13 through line 14.
Strike: "[the effective date of this act]"
Insert: "June 30, 2011,"

10. Page 51, line 17.
Strike: "[passage and approval of this act]"
Insert: "[the effective date of section 64(4)]"

11. Page 51, lines 19 and 20.
Strike: "[passage and approval of this act]"
Insert: "[the effective date of section 65(4)]"

12. Page 51.
Following: line 20
Insert: "(d) Individuals with registry identification cards that are valid under this subsection (1) are subject to the provisions of [this act] on July 1, 2011, and shall obtain marijuana for therapeutic use according to the provisions of [sections 1 through 16] and this section."

13. Page 51, line 21.
Following: "(2)"
Insert: "(a)"

14. Page 51, line 22.
Following: "cards"
Strike: "pursuant to [sections 1 through 16] on July 1, 2011."
Insert: "on June 1, 2011. The department shall issue the cards using the definitions in [section 2] and pursuant to the written certification and physician statement requirements of [section 5]."

15. Page 51, lines 23 and 24.
Strike: "[passage and approval of this act]"
Insert: "[the effective date of section 65(4)]"

16. Page 51.
Following: line 24
Insert: "(b) Qualifying patients who obtain a registry identification card on or after June 1, 2011, and before July 1, 2011, may name a caregiver in their applications and may, through June 30, 2011, use a caregiver to obtain therapeutic marijuana. On July 1, 2011, a registered cardholder may be in possession of therapeutic marijuana as allowed under this section. On and after October 1, 2011, a registered cardholder may cultivate, manufacture, obtain, or possess therapeutic marijuana as provided in [this act]."

17. Page 52, line 13.
Strike: "this act"
Insert: "section 65(4)"

18. Page 52, line 14.
Strike: "were in effect prior to [the effective date of this act]"
Insert: "are in effect"

19. Page 52, line 26.
Insert: "COORDINATION SECTION. **Section 63. Coordination instruction.** If House Bill No. 82 is not passed and approved, the bracketed language in [sections 4 and 11 of this act] is void."
Renumber: subsequent sections

20. Page 53, line 15.
Strike: "[SECTION 59]"
Insert: "[Sections 55, 56, and 58]"

21. Page 53, line 15.
Strike: "60"
Insert: "59"

Strike: "61"
Insert: "60, 62"
Following: "63"
Insert: ", and 64"

Amendment adopted as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 423 - Senator Erickson moved **SB 423**, second reading copy, be amended as follows:

Senator Larsen excused.

1. Page 2, line 16.
Strike: "documented by"

2. Page 2, line 17 through 18.
Following: "(i)"
Strike: "the patient's" on line 17 through "the pain" on line 18
Insert: "diagnosed by a physician who has completed continuing medical education in the science related to marijuana as documented pursuant to [section 5]"

3. Page 2, line 19 through line 20.
Following: "(ii)"
Strike: "objective proof" on line 18 through "imaging" on line 20
Insert: "as defined by rule by the board of medical examiners provided for in 2-15-1731"

4. Page 3, line 19.
Following: "chapter 3;"
Insert: "and"

5. Page 3, line 20 through page 22.
Strike: "; and" on line 20 through "assessed" on line 22

6. Page 4, line 25 through line 26.
Strike: "OR A QUALIFYING" on line 25 through "CHRONIC PAIN" on line 26

7. Page 7, line 1 through line 3.
Strike: "objective proof" on line 1 through "imaging" on line 3
Insert: "any materials as required by the board of medical examiners by rule"

8. Page 10, line 2 through line 4.
Strike: subsection (i) in its entirety
Renumber: subsequent subsections

9. Page 10.
Following: line 18
Insert: "(3) A physician who is providing written certification for a qualifying patient whose debilitating medical condition includes severe chronic pain shall submit evidence that the physician has completed a course approved by the accreditation council for continuing medical education in the science related to marijuana."
Renumber: subsequent subsections

10. Page 10, line 20 through line 21.
Strike: "or the second" on line 20 through "chronic pain" on line 21

11. Page 10, line 23 through line 24.
Strike: "or documented" on line 23 through "through 40]" on line 24

12. Page 10, line 26.
Strike: "or qualifying patient"

Amendment **not** adopted as follows:
Yeas: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hawks, Jent, Kaufmann, Keane, Lewis, Moss, Murphy, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Nays: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hamlett, Hinkle, Hutton, Jackson, Jones, Lake, Moore, Mowbray, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 27

Absent or not voting: None.
Total 0

Excused: Larsen.
Total 1

SB 423 - Senator Caferro moved **SB 423**, second reading copy, be amended as follows:

1. Title, page 1, line 7.
Following: "TRANSPORTATION,"
Strike: "AND"
Insert: "PROVISION, AND"

2. Page 2, line 9 through line 10.
Strike: subsection (1) in its entirety
Renumber: subsequent subsections

3. Page 3, line 4.
Strike: "courier,"
Following: "assistant,"
Insert: "therapeutic marijuana dispensing center,"

4. Page 5.
Following: line 4
Insert: "(22) "Therapeutic marijuana dispensing center" means an organization that meets the requirements of [section 20] and is licensed pursuant to [sections 17 through 40] to provide therapeutic marijuana to registered cardholders."
Renumber: subsequent subsections

5. Page 5, line 17.
Following: "transportation,"
Insert: "provision,"

6. Page 7, line 13 through line 14.
Strike: "grower or" on line 13 through "manufacturer" on line 14
Insert: "dispensing center"

7. Page 7, line 17 through line 18.
Strike: "grower or" on line 17 through "manufacturer" on line 18
Insert: "dispensing center"

8. Page 7, line 21.
Strike: "grower or" through "manufacturer"
Insert: "dispensing center"

9. Page 9, line 10 through line 111.
Strike: "grower or" on line 10 through "manufacturer" on line 11
Insert: "dispensing center"

10. Page 9, line 14.
Strike: "or"
Following: "assistant"
Insert: ", or therapeutic marijuana dispensing center"

11. Page 12, line 12.
Following: "regulate "
Insert: "a therapeutic marijuana dispensing center,"

12. Page 12, line 22.
Following: "manufacturer"
Insert: "or operation of a therapeutic marijuana dispensing center"

13. Page 13, line 1.
Strike: "courier"
Insert: "therapeutic marijuana dispensing center"

14. Page 13, line 3.
Strike: "courier"
Insert: "therapeutic marijuana dispensing center"

15. Page 13, line 5.
Following: "marijuana"
Strike: "grower" through "manufacturer"
Insert: "dispensing center"

16. Page 13, line 6.
Strike: "courier"
Insert: "therapeutic marijuana dispensing center"

17. Page 13, line 29.
Strike: "grower or therapeutic marijuana-infused products manufacturer"
Insert: "dispensing center"

18. Page 14, line 1.
Following: "30-day period."
Insert: "A therapeutic marijuana dispensing center may provide a registered cardholder with plants and seedlings if allowed by the state licensing authority by rule."

19. Page 14.
Following: line 2
Insert: "(4) The state licensing authority shall establish by rule the procedures for and limitations on the provision of therapeutic marijuana from therapeutic marijuana growers and therapeutic marijuana-infused products manufacturers to therapeutic marijuana dispensing centers."

Renumber: subsequent subsections

20. Page 19, line 2.
Following: "ISSUED FOR"
Insert: "therapeutic marijuana dispensing centers,"

21. Page 19, line 3.
Following: "GROWERS,"
Insert: "and"
Following: "MANUFACTURERS"
Strike: ", AND COURIERS"

22. Page 19, line 5 through line 6.
Strike: "GROWER OR" on line 5 through "MANUFACTURER" on line 6
Insert: "therapeutic marijuana dispensing center"

23. Page 21, line 19 through line 20.
Strike: "grower or" on line 19 through "manufacturer" on line 20
Insert: "dispensing center"
Strike: "grower or manufacturer" on line 20
Insert: "center"

24. Page 21, line 25.
Strike: "courier to transport and deliver"
Insert: "therapeutic marijuana dispensing center as the entity through which a registered cardholder may obtain therapeutic marijuana that is cultivated or manufactured by a therapeutic marijuana grower or therapeutic marijuana-infused products from a therapeutic marijuana-infused products manufacturer"

25. Page 21, line 30.
Strike: "licensee"
Insert: "therapeutic marijuana grower or therapeutic marijuana-infused products manufacturer"

26. Page 22, line 8.
Following: "as"
Insert: "a therapeutic marijuana dispensing center,"
Following: "grower"
Insert: ","

27. Page 22, line 26.
Strike: subsection (a) in its entirety
Renumber: subsequent subsections

28. Page 22.
Following: line 27

Insert: "(b) a therapeutic marijuana dispensing center;"
Renumber: subsequent subsections

29. Page 23, line 10 through page 24, line 1.
Strike: section 22 in its entirety
Renumber: subsequent sections

30. Page 25, line 8.
Insert: "NEW SECTION. **Section 23. Therapeutic marijuana dispensing center -- requirements -- allowable activities.** (1) An organization licensed as a therapeutic marijuana dispensing center may acquire therapeutic marijuana from a therapeutic marijuana grower or therapeutic marijuana-infused products manufacturer for provision to registered cardholders.

(2) A therapeutic marijuana dispensing center shall:

(a) provide during a 30-day period a maximum of 2 ounces of usable marijuana or its equivalent in an infused product to a registered cardholder who has named the dispensing center in the cardholder's application;

(b) provide plants and seedlings to a registered cardholder if allowed by the state licensing authority by rule; and

(c) obtain therapeutic marijuana from a therapeutic marijuana grower or therapeutic marijuana infused-products manufacturer as allowed by rule.

(3) A therapeutic marijuana dispensing center may deliver therapeutic marijuana to a registered cardholder or provide it at a licensed premises.

(4) Therapeutic marijuana may not be used in any form on the licensed premises."
Renumber: subsequent sections

31. Page 30, line 17.
Following: "A"
Insert: "therapeutic marijuana dispensing center license,"

32. Page 30, line 18.
Following: "grower license"
Insert: ","

33. Page 30, line 23.
Strike: subsection (2) in its entirety
Renumber: subsequent sections

34. Page 32, line 12.
Following: "cultivation"
Insert: ","
Strike: "or"
Following: "manufacture"
Insert: ", or provision"

35. Page 33, line 2.
Strike: "unless" through "courier"

36. Page 52, line 2.
Strike: "couriers,"

37. Page 52, line 3.
Following: "assistants,"
Insert: "therapeutic marijuana dispensing centers,"

38. Page 52, line 9.
Strike: "couriers"
Insert: "therapeutic marijuana dispensing centers"

39. Page 52, line 11.
Strike: "Couriers"
Insert: "Therapeutic marijuana dispensing centers"

Amendment **not** adopted as follows:
Yeas: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hawks, Jent, Kaufmann, Keane, Lewis, Moss, Murphy, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Nays: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hamlett, Hinkle, Hutton, Jackson, Jones, Lake, Moore, Mowbray, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 27

Absent or not voting: None.
Total 0

Excused: Larsen.
Total 1

SB 423 - Senator Blewett moved **SB 423**, second reading copy, be amended as follows:

1. Page 21, line 30.
Strike: "a small"
Insert: "an"

2. Page 22, line 2.
Following: "40]."
Insert: "The state licensing authority may determine by rule the amount of therapeutic marijuana that may be provided for testing."

Amendment adopted as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 47

Nays: Hinkle, Walker.
Total 2

Absent or not voting: None.
Total 0

Excused: Larsen.
Total 1

SB 423 - Senator Van Dyk moved **SB 423**, second reading copy, be amended as follows:

Senator Larsen present.

1. Title, page 1, line 11.
Following: "50-46-202,"
Insert: "AND"
Strike: "69-1-114, AND 69-1-401,"

2. Page 5, line 2.
Strike: "public service commission"
Insert: "department of agriculture"
Strike: "2-15-2602"
Insert: "2-15-3001"

3. Page 18, line 25.
Strike: "public service commission"
Insert: "department of agriculture"

4. Page 46, line 30.
Strike: "61(4)"
Insert: "63(4)"

5. Page 50, line 2 through line 18.
Strike: section 57 through section 58 in their entirety
Renumber: subsequent sections

6. Page 50, line 21.
Strike: "public service commission"
Insert: "department of agriculture"

7. Page 52, line 2.
Strike: "public service commission"
Insert: "department of agriculture"

8. Page 52, line 8.
Strike: "public service commission"
Insert: "department of agriculture"

9. Page 53, line 14.
Strike: "60"
Insert: "58"

10. Page 53, line 15.
Strike: "59"
Insert: "57"
Strike: "60"
Insert: "58"

11. Page 53, line 15 through line 16.
Strike: "61 AND 63" on line 16
Insert: "59 and 61"

Amendment adopted as follows:
Yeas: Arthun, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Lewis, Moss, Mowbray, Shockley, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Williams, Windy Boy.
Total 27

Nays: Augare, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Moore, Murphy, Olson, Priest, Ripley, Sonju, Steinbeisser, Vincent, Wittich, Zinke, Mr. President.
Total 23

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senate in recess.

Senate reconvened at 1:03 p.m.

SB 423 - Senator Erickson moved **SB 423**, second reading copy, be amended as follows:

1. Page 7, line 12.
Strike: "or"

2. Page 7, line 14.
Following: "manufacturer;"
Insert: "or (iii) both cultivate therapuetic marijuana and obtain therapeutic marijuana from a therapeutic marijuana grower or a therapeutic marijuana-infused products manufacturer;"

3. Page 7, line 18.
Following: "manufacturer"
Insert: ", if applicable"

4. Page 7, line 20 through line 21.
Strike: "rather than obtain" on line 20 through "manufacturer" on line 21

5. Page 26, line 15.
Following: "marijuana that"
Insert: ": (a)"

6. Page 26, line 16.
Following: "grower"
Insert: "; or (b) a therapeutic marijuana grower or therapeutic marijuana-infused products manufacturer may provide to a registered cardholder who is also cultivating or manufacturing therapeutic marijuana for the cardholder's use."

Amendment adopted as follows:
Yeas: Augare, Balyeat, Blewett, Branae, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Lewis, Moss, Murphy, Shockley, Stewart-Peregoy, Tropila, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 28

Nays: Arthun, Barrett, Brenden, Brown, Buttrey, Hinkle, Hutton, Jackson, Jones, Lake, Moore, Mowbray, Olson, Priest, Ripley, Sonju, Steinbeisser, Tutvedt, Walker, Wittich, Zinke, Mr. President.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 423 - Senator Wanzenried moved **SB 423**, second reading copy, be amended as follows:

1. Page 25, line 20.
Strike: "and"

2. Page 25, line 21.
Following: "cardholder"
Insert: "; and
(c) transfer therapeutic marijuana to another therapeutic marijuana grower as provided by rule"

3. Page 25, line 22 through line 24.
Following: "may not" on line 22
Strike: ":" on line 22 through "(b)" on line 24

4. Page 33, line 19.
Following: "transactions"
Insert: ", including transfers among growers"

5. Page 34.
Following: line 10
Insert: "(d) the amount and forms of therapeutic marijuana transferred by a therapeutic marijuana grower to another grower;"
Renumber: subsequent subsections

Amendment adopted as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brown, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hawks, Hutton, Jent, Jones, Kaufmann, Keane, Larsen, Lewis, Moore, Moss, Murphy, Olson, Shockley, Stewart-Peregoy, Tropila, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Windy Boy, Wittich, Mr. President.
Total 36

Nays: Brenden, Buttrey, Hamlett, Hinkle, Jackson, Lake, Mowbray, Priest, Ripley, Sonju, Steinbeisser, Tutvedt, Walker, Zinke.
Total 14

Absent or not voting: None.
Total 0

Excused: None.
Total 0

President Peterson moved to reconsider action on Amendment **SB 423-003** and adopt Amendment **SB 423-015**.

Senator Van Dyk made a substitute motion to segregate President Peterson's motion to reconsider from the motion to adopt.

Senator Van Dyk withdrew his motion.

President Peterson moved to reconsider action on **SB 423-003**. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 47

Nays: Hamlett, Larsen, Wanzenried.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 423 - Senator Peterson moved **SB 423**, second reading copy, be amended as follows:

1. Title, page 1, line 9.
Following: "SECTIONS"
Insert: "37-1-101,"

2. Title, page 1, line 11.
Following: "50-46-202,"
Insert: "AND"
Strike: "69-1-114, AND 69-1-401,"

3. Page 5, line 2.
Strike: "public service commission"
Insert: "department of labor and industry"
Strike: "2-15-2602"
Insert: "2-15-1701"

4. Page 18, line 25.
Strike: "public service commission"
Insert: "department of labor and industry"

5. Page 35, line 23.
Insert: "Section 41. Section 37-1-101, MCA, is amended to read:

"37-1-101. Duties of department. In addition to the provisions of 2-15-121, the department shall:

(1) establish and provide all the administrative, legal, and clerical services needed by the boards within the department, including corresponding, receiving and processing routine applications for licenses as defined by a board, issuing and renewing routine licenses as defined by a board, disciplining licensees, setting administrative fees, preparing agendas and meeting notices, conducting mailings, taking minutes of board meetings and hearings, and filing;

(2) standardize policies and procedures and keep in Helena all official records of the boards;

(3) make arrangements and provide facilities in Helena for all meetings, hearings, and examinations of each board or elsewhere in the state if requested by the board;

(4) contract for or administer and grade examinations required by each board;

(5) investigate complaints received by the department of illegal or unethical conduct of a member of the profession or occupation under the jurisdiction of a board or a program within the department;

(6) except as provided in [sections 17 through 40], assess the costs of the department to the boards and programs on an equitable basis as determined by the department;

(7) adopt rules setting administrative fees and expiration, renewal, and termination dates for licenses;

(8) issue a notice to and pursue an action against a licensed individual, as a party, before the licensed individual's board after a finding of reasonable cause by a screening panel of the board pursuant to 37-1-307(1)(d);

(9) (a) provide notice to the board and to the appropriate legislative interim committee when a board cannot operate in a cost-effective manner;

(b) suspend all duties under this title related to the board except for services related to renewal of licenses;

(c) review the need for a board and make recommendations to the legislative interim committee with monitoring responsibility for the boards for legislation revising the board's operations to achieve fiscal solvency; and

(d) notwithstanding 2-15-121, recover the costs by one-time charges against all licensees of the board after providing notice and meeting the requirements under the Montana Administrative Procedure Act;

(10) monitor a board's cash balances to ensure that the balances do not exceed two times the board's annual appropriation level and adjust fees through administrative rules when necessary;

(11) establish policies and procedures to set fees for administrative services, as provided in 37-1-134, commensurate with the cost of the services provided. Late penalty fees may be set without being commensurate with the cost of services provided.

(12) adopt uniform rules for all boards and department programs to comply with the public notice requirements of 37-1-311 and 37-1-405. The rules may require the posting of only the licensee's name and the fact that a hearing is being held when the information is being posted on a publicly available website prior to a decision leading to a suspension or revocation

of a license or other final decision of a board or the department.

(13) carry out the licensing and other duties of [sections 17 through 40]. The department may not delegate the responsibility for carrying out the provisions of [sections 17 through 40] to a board.""

6. Page 46, line 30.
Strike: "61(4)"
Insert: "65(4)"

7. Page 50, line 2 through line 18.
Strike: section 57 through section 58 in their entirety
Renumber: subsequent sections

8. Page 50, line 21.
Strike: "public service commission"
Insert: "department of labor and industry"

9. Page 52, line 2.
Strike: "public service commission"
Insert: "department of labor and industry"

10. Page 52, line 8.
Strike: "public service commission"
Insert: "department of labor and industry"

11. Page 53, line 14.
Strike: "60"
Insert: "59"

Amendment adopted as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Brenden, Brown, Buttrey, Erickson, Essmann, Facey, Gillan, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tropila, Tutvedt, Vincent, Walker, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 38

Nays: Blewett, Branae, Caferro, Gallus, Hamlett, Keane, Larsen, Moss, Stewart-Peregoy, Van Dyk, Vuckovich, Wanzenried.
Total 12

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 423 - Senator Essmann moved **SB 423**, as amended, do pass. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Essmann, Gillan, Hamlett, Hinkle, Hutton, Jackson, Jent, Jones, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tropila, Tutvedt, Van Dyk, Vincent, Wittich, Zinke, Mr. President.
Total 37

Nays: Caferro, Erickson, Facey, Gallus, Hawks, Kaufmann, Keane, Stewart-Peregoy, Vuckovich, Walker, Wanzenried, Williams, Windy Boy.
Total 13

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 429 - Senator Wittich moved **SB 429** do pass. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Essmann, Gallus, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jones, Keane, Lake, Larsen, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Vincent, Walker, Windy Boy, Wittich, Zinke, Mr. President.
Total 35

Nays: Augare, Blewett, Branae, Buttrey, Caferro, Erickson, Facey, Gillan, Jent, Kaufmann, Moss, Van Dyk, Vuckovich, Wanzenried, Williams.
Total 15

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Essmann moved the committee rise, report progress and beg leave to sit again. Motion carried. Committee arose. Senate resumed. President Peterson in the chair. Chairman Vincent moved the Committee of the Whole report be adopted. Report adopted as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Branae, Brenden, Brown, Buttrey, Essmann, Facey, Gallus, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Lake, Larsen, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tropila, Tutvedt, Van Dyk, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 38

Nays: Blewett, Caferro, Erickson, Gillan, Kaufmann, Keane, Moss, Stewart-Peregoy,

Vuckovich, Wanzenried, Williams, Windy Boy.
Total 12

Absent or not voting: None.
Total 0

Excused: None.
Total 0

MOTIONS

Senator Balyeat moved to change his vote on **HB 2** from No to Yes. Objection stated by Senator Facey, motion **failed**.

Senator Ripley moved that **HB 361** be taken from Fish and Game and brought before the Committee of the Whole and placed on second reading on March 30, 2011. Motion carried as follows:

Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Caferro, Essmann, Hinkle, Hutton, Jackson, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 27

Nays: Augare, Blewett, Branae, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Jones, Kaufmann, Keane, Larsen, Moss, Shockley, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 23

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Gillan moved that **SB 396** be taken from Taxation and brought before the Committee of the Whole and placed on second reading on March 30, 2011. Motion **failed** as follows:
Yeas: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Nays: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Van Dyk moved that **SB 393** be taken from Taxation and brought before the Committee of the Whole and placed on second reading on March 30, 2011. Motion **failed** as follows:
Yeas: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Nays: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Hamlett moved that **SB 82** be taken from Highways and Transportation and brought before the Committee of the Whole and placed on second reading on March 30, 2011.

Motion **failed** as follows:
Yeas: Blewett, Branae, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Shockley, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Walker, Wanzenried, Williams, Windy Boy.
Total 24

Nays: Arthun, Augare, Balyeat, Barrett, Brenden, Brown, Buttrey, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Sonju, Steinbeisser, Tutvedt, Vincent, Wittich, Zinke, Mr. President.
Total 26

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Essmann moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Vincent in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 249 - Senator Facey moved **HB 249** be concurred in. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 47

Nays: Blewett, Van Dyk, Wittich.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 341 - Senator Tutvedt moved **HB 341** be concurred in. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 27

Nays: Augare, Blewett, Branae, Buttrey, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 23

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 421 - Senator Lake moved **HB 421** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brown, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Ripley, Shockley, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 37

Nays: Balyeat, Brenden, Buttrey, Essmann, Hinkle, Hutton, Murphy, Olson, Priest, Sonju, Steinbeisser, Walker, Wittich.
Total 13

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 508 - Senator Brown moved **HB 508** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moss, Mowbray, Murphy, Olson, Priest, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 40

Nays: Balyeat, Barrett, Essmann, Hinkle, Jackson, Jent, Moore, Ripley, Walker, Wittich.
Total 10

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Essmann moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. Senate resumed. President Peterson in the chair.
Chairman Vincent moved the Committee of the Whole report be adopted. Report adopted as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tropila, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 43

Nays: Blewett, Stewart-Peregoy, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 7

Absent or not voting: None.
Total 0

Excused: None.
Total 0

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Balyeat, Chairman): 3/30/2011
HB 354, be amended as follows:

1. Title, page 1, line 5 through line 6.
Strike: "EACH" on line 5
Insert: "A"
Strike: "UNDER" on line 5 through "CONTROL" on line 6
Insert: "WITHOUT A COMBUSTIBLE ENERGY SOURCE"
Following: "DETECTOR;" on line 6
Insert: "LIMITING LANDLORD INSTALLATION TO ONE CARBON MONOXIDE DETECTOR FOR EACH RENTAL UNIT; SPECIFYING THE GENERAL LOCATION FOR INSTALLATION;"

2. Page 1, line 13.
Following: "~~**detector**~~"
Insert: "**or carbon monoxide detector**"

3. Page 2, line 7.
Following: "~~industry, and~~"
Insert: "at least one approved carbon monoxide detector located at least 15 feet from the combustible energy source and"

4. Page 2, line 8.
Following: "justice."
Insert: "If a combustible energy source is not used in the dwelling unit, a carbon monoxide detector is not required."

5. Page 2, line 9.
Following: "~~detector and~~"
Insert: "the carbon monoxide detector and"
Strike: "is"
Insert: "are"

6. Page 2, line 10.
Following: "~~detector and~~"
Insert: "the carbon monoxide detector and"

7. Page 2, line 12.
Following: "~~70-20-113, and~~"
Insert: "an approved carbon monoxide detector, as defined in 70-20-113, and"

8. Page 2, line 29.
Following: "~~detector or~~"
Insert: "the carbon monoxide detector or"

And, as amended, be concurred in. Report adopted.

HB 535, be concurred in. Report adopted.
HB 555, be amended as follows:

1. Title, page 1, line 8.
Strike: "2-18-704,"
Following: "20-15-225"
Strike: ","

2. Page 1, line 18.
Following: the first "coverage"
Strike: ", third-party medical payments coverage,"

3. Page 1, line 20 through line 22.
Following: "is" on line 20
Strike: "available" on line 20 through "or plan" on line 21
Insert: ", at the time the injury or medical condition is sustained by a member or an insured, in effect under any property or casualty insurance policy or coverage to the extent the medical payments coverage limits of the policy or coverage"

4. Page 1, lines 25 through 26.
Following: "available" on line 25
Strike: "from another" on line 25 through "subsection (1)" on line 26

5. Page 2, line 10.
Following: the first "coverage"
Strike: ", third-party medical payments coverage,"

6. Page 2, line 20.
Following: "insured"
Strike: "for which coverage has been accepted or"

7. Page 2, lines 22 through 23.
Following: the first "coverage" on line 22
Strike: remainder of line 22 through line 23
Insert: "or third-party liability coverage. The plan or insurer is not responsible under this plan or

contract to cover or pay for any services, supplies, medications, or other items provided to treat any injury or medical condition sustained by a member or an insured if medical payments coverage is in effect under any property or casualty insurance policy or coverage with respect to the injury or medical condition to the extent the medical payments coverage limits of the policy or coverage have not been exhausted."

8. Page 3.
Following: line 19
Insert: "(9) Nothing contained in this section prohibits a governmental entity from coordinating medical benefits with other health benefit plans or health insurance policies."

9. Page 3, line 27.
Following: the first "coverage"
Strike: ", third-party medical payments coverage,"

10. Page 3, lines 28 through 29.
Following: "coverage is" on line 28
Strike: "available" on line 28 through "policy or plan" on line 29
Insert: ", at the time the injury or medical condition is sustained by a member or an insured, in effect under any property or casualty insurance policy or coverage to the extent the medical payments coverage limits of the policy or coverage"

11. Page 4, lines 3 through 4.
Following: "available" on line 3
Strike: "from another" on line 3 through "subsection (1)" on line 4

12. Page 4, line 18.
Following: the first "coverage"
Strike: ", third-party medical payments coverage,"

13. Page 4, line 28.
Following: "insured"
Strike: "for which coverage has been accepted or"

14. Page 4, line 29 through page 5, line 1.
Following: the first "coverage" on line 29
Strike: remainder of line 29 on page 4 through line 1 on page 5
Insert: "or third-party liability coverage. The insurer is not responsible under this plan or contract to cover or pay for any services, supplies, medications, or other items provided to treat any injury or medical condition sustained by a member or an insured if medical payments coverage is in effect under any property or casualty insurance policy or coverage with respect to the injury or medical condition to the extent the medical payments coverage limits of the policy or coverage have not been exhausted."

15. Page 5.
Following: line 17
Insert: "(8) Nothing contained in this section prohibits a health insurance issuer from coordinating medical benefits with other health benefit plans or health insurance policies.

(9) A health insurance issuer, upon receiving written notice from its insured that the insured's injuries or medical condition were caused by a third party, shall inform the insured in writing that the insured is not required to have the responsible third party's property or casualty insurer pay for the insured's medical expenses caused by the third party."

16. Page 5, line 24.
Following: the first "coverage"
Strike: ", third-party medical payments coverage,"

17. Page 5, lines 25 through 26.
Following: "is" on line 25
Strike: "available" on line 25 through "the policy" on line 26
Insert: ", at the time the injury or medical condition is sustained by a member or an insured, in effect under any property or casualty insurance policy or coverage to the extent the medical payments coverage limits of the policy or coverage"

18. Page 5, line 30 through page 6, line 1.
Following: "available" on line 30
Strike: "from another" on page 5, line 30 through "(1)" on page 6, line 1

19. Page 6, line 14.
Following: the first "coverage"
Strike: ", third-party medical payments coverage,"

20. Page 6, line 24.
Following: "insured"
Strike: "for which coverage has been accepted or"

21. Page 6, lines 25 through 27.
Following: the first "coverage" on line 25
Strike: remainder of line 25 through line 27
Insert: "or third-party liability coverage. The association is not responsible under this plan or contract to cover or pay for any services, supplies, medications, or other items provided to treat any injury or medical condition sustained by a member or an insured if medical payments coverage is in effect under any property or casualty insurance policy or coverage with respect to the injury or medical condition to the extent the medical payments coverage limits of the policy or coverage have not been exhausted."

22. Page 7.
Following: line 10

Insert: "(8) Nothing contained in this section prohibits the association or its lead carrier from coordinating medical benefits with other health benefit plans or health insurance policies."

23. Page 7, line 12 through page 10, line 20.
Strike: section 4 in its entirety
Renumber: subsequent sections

And, as amended, be concurred in. Report adopted.

FIRST READING AND COMMITMENT OF BILLS

The following Senate resolutions were introduced, read first time, and referred to committees:

SR 14, introduced by Brenden, referred to Fish and Game.
SR 15, introduced by Brenden, referred to Fish and Game.
SR 16, introduced by Facey, referred to Business, Labor, and Economic Affairs.
SR 17, introduced by Facey, referred to Business, Labor, and Economic Affairs.
SR 18, introduced by Facey, referred to Business, Labor, and Economic Affairs.
SR 19, introduced by Facey, referred to Business, Labor, and Economic Affairs.

The following House bills were introduced, read first time, and referred to committees:

HB 8, introduced by Sesso (by request of the Department of Natural Resources and Conservation and the Office of Budget and Program Planning), referred to Finance and Claims.
HB 14, introduced by Menahan (by request of the Law and Justice Interim Committee), referred to Judiciary.
HB 83, introduced by Berry, Belcourt, Boland, Brodehl, Driscoll, Evans, Furey, Gibson, Greef, Hiner, Hollenbaugh, Hoven, Howard, Hunter, Klock, Lavin, MacDonald, MacLaren, Malek, McChesney, McClafferty, Mehlhoff, Menahan, Noonan, O'Hara, Price, Read, Regier, Roberts, Rosendale, Schmidt, F. Smith, Squires, Taylor, Wilmer, Gallus, Gillan, Hamlett, Hutton, Larsen, Olson, Tutvedt, Vuckovich, Zinke (by request of the Department of Justice), referred to Public Health, Welfare and Safety.
HB 140, introduced by Hiner (by request of the Office of Budget and Program Planning), referred to Finance and Claims.
HB 159, introduced by C. Smith, Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Clark, Connell, Edmunds, Ehli, Evans, Flynn, Hale, Harris, Hendrick, Howard, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Loney, MacLaren, McGillvray, McNiven, McNutt, Mehlhoff, Milburn, Miller, More, O'Hara, O'Neil, Osmundson, J. Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, Stahl, Taylor, Vance, Wagner, Warburton, Welborn, Yates, referred to Fish and Game.
HB 183, introduced by C. Smith, referred to Public Health, Welfare and Safety.
HB 186, introduced by Hunter, referred to Business, Labor, and Economic Affairs.
HB 188, introduced by Loney, O'Hara, Hollandsworth, Salomon, MacLaren, referred to Business, Labor, and Economic Affairs.

HB 196, introduced by Connell, Hale, referred to Natural Resources.
HB 209, introduced by Washburn, referred to Fish and Game.
HB 243, introduced by Kary, Arntzen, Greef, K. Peterson, Berry, McNiven, Edmunds, C. Smith, Warburton, Brodehl, referred to Highways and Transportation.
HB 283, introduced by Bangerter, O'Hara, Warburton, Flynn , Vance, Wittich, C. Smith, Klock, Blasdel, Burnett, McGillvray, Reichner, Washburn, Welborn, Loney, Stahl, Arthun, Milburn, Sonju, Vincent, J. Peterson, referred to Business, Labor, and Economic Affairs.
HB 296, introduced by Sesso, Hollenbaugh, Gillan, Gallus , Wilmer, Swanson, McChesney, Reinhart, MacDonald, O'Hara, Hands, Sands, Belcourt, Yates, Brown, Driscoll, Mehlhoff, Windy Boy, Blewett, McClafferty, Noonan, F. Smith, Wagner, Vuckovich, Jones, Keane, Arthun, Furey, Stahl, Welborn, Schmidt, Zinke, Augare, Caferro, Hiner, Squires, Ankney, C. Williams, Murphy, referred to Finance and Claims.
HB 316, introduced by Cook, Milburn, Hollandsworth, referred to Finance and Claims.
HB 317, introduced by Cook, Milburn, referred to Finance and Claims.
HB 343, introduced by Cook, Welborn, Hale, Ehli, referred to Finance and Claims.
HB 351, introduced by Cook, referred to Finance and Claims.
HB 358, introduced by MacLaren, referred to Taxation.
HB 363, introduced by Cuffe, Vincent, G. Bennett, referred to Fish and Game.
HB 377, introduced by Warburton, Caferro, Windy Boy, Lewis, Hunter, De. Barrett, Branae, Wanzenried, Ingraham, Hutton, Gillan, Pease-Lopez, Blasdel, Stahl, referred to Public Health, Welfare and Safety.
HB 388, introduced by Cook, referred to Finance and Claims.
HB 423, introduced by Belcourt, Windy Boy, Caferro, Hiner, Ankney, Sesso, Hamlett, Stewart-Peregoy, Vuckovich, Keane, Noonan, Evans, Vincent, Gallus, Knudsen, F. Smith, Phillips, referred to Finance and Claims.
HB 439, introduced by Hollenbaugh, Phillips, Hollandsworth, Menahan, Gallus, Larsen, Hunter, Hiner, C. Williams, Furey, Olson, Mehlhoff, Sesso, Gillan, Ankney, Noonan, Schmidt, Tropila, Arntzen, Driscoll, Boland, MacDonald, McChesney, Belcourt, Sands, Gibson, Hill, Price, Keane, F. Smith, Howard, Swanson, Wagner, McNally, Lewis, Caferro, Wilmer, Branae, K. Williams, Hamlett, Pease-Lopez, Malek, B. Bennett, Blasdel, Reinhart, Welborn, Salomon, Cuffe, Van Dyk, Fitzpatrick, Stewart-Peregoy, Augare, Miller, Squires, Windy Boy, Jent, Erickson, Kaufmann, Hands, Stahl, Brodehl, Reichner, Hoven, Blewett, Vuckovich, Hansen, Di. Barrett, O'Hara, McClafferty, Wanzenried, Moss, McNutt, Facey, Court, referred to Finance and Claims.
HB 445, introduced by C. Smith, Priest, Jackson, Tutvedt, Arthun, Balyeat, Mowbray, Gibson, Shockley, Kary, Regier, Blasdel, Connell, Moore, Osmundson, Blyton, K. Peterson, McGillvray, Knox, Kerns, Skees, Ehli, Rosendale, Warburton, Ingraham, O'Hara, O'Neil, Hinkle, Wagner, Milburn, Flynn, Howard, Olson, Sonju, Zinke, G. Bennett, Hale, Stahl, Essmann, J. Peterson, referred to Public Health, Welfare and Safety.
HB 463, introduced by Reichner, referred to Taxation.
HB 475, introduced by Connell, referred to Fish and Game.
HB 477, introduced by Hollandsworth, referred to Finance and Claims.
HB 502, introduced by Hunter, referred to Finance and Claims.
HB 518, introduced by Hunter, referred to Judiciary.
HB 534, introduced by Howard, referred to Judiciary.
HB 551, introduced by Flynn, MacLaren, referred to Public Health, Welfare and Safety.

HB 565, introduced by Noonan, referred to Public Health, Welfare and Safety.
HB 567, introduced by Reichner, referred to Taxation.
HB 585, introduced by G. Bennett, Hansen, Warburton, Taylor, referred to Taxation.
HB 602, introduced by McNutt, referred to Natural Resources.
HB 607, introduced by Welborn, Flynn, Rosendale, referred to Fish and Game.
HB 611, introduced by Cook, Jones, referred to Finance and Claims.
HB 613, introduced by Roberts, referred to Finance and Claims.
HB 614, introduced by Miller, referred to Taxation.
HB 615, introduced by K. Williams, Ankney, Boland, Noonan, Di. Barrett, Belcourt, Loney, O'Hara, Blasdel, Reichner, Hollenbaugh, Blyton, Hill, Driscoll, referred to Business, Labor, and Economic Affairs.
HB 618, introduced by Pease-Lopez, referred to Taxation.
HB 619, introduced by Ankney, referred to Finance and Claims.
HB 621, introduced by Ankney, referred to Agriculture, Livestock and Irrigation.
HB 622, introduced by Ankney, referred to Finance and Claims.
HB 631, introduced by Menahan, referred to Judiciary.
HB 632, introduced by Taylor, referred to State Administration.
HB 633, introduced by Esp, referred to Finance and Claims.
HB 638, introduced by Howard, referred to Judiciary.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Essmann moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Sonju in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

Senators Hamlett, Tutvedt, and Vincent excused at this time.

HB 525 - Senator Facey moved **HB 525** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Hamlett, Tutvedt, Vincent.
Total 3

HB 547 - Senator Facey moved **HB 547** be concurred in. Motion carried as follows:
Yeas: Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 42

Nays: Arthun, Hinkle, Priest, Walker, Wittich.
Total 5

Absent or not voting: None.
Total 0

Excused: Hamlett, Tutvedt, Vincent.
Total 3

HB 547 - Senators Arthun, Hamlett, and Vincent present at this time.

HB 152 - Senator Shockley moved **HB 152** be concurred in. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Vincent, Walker, Wittich, Mr. President.
Total 25

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Steinbeisser, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke.
Total 24

Absent or not voting: None.
Total 0

Excused: Tutvedt.
Total 1

Senator Hamlett excused.

HB 167 - Senator Zinke moved **HB 167** be concurred in. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Vincent, Walker, Windy Boy, Wittich, Zinke, Mr. President.

Total 28

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams.
Total 20

Absent or not voting: None.
Total 0

Excused: Hamlett, Tutvedt.
Total 2

HB 180 - Senator Balyeat moved consideration of **HB 180** be placed at the bottom of the second reading board for the purpose of amendment. Motion carried.

Senators Hamlett and Tutvedt present at this time.

HB 408 - Senator Steinbeisser moved **HB 408** be concurred in. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Gillan, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 29

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Vincent excused at this time.

HB 275 - Senator Wittich moved **HB 275** be concurred in. Motion **failed** as follows:

Yeas: Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Walker, Wittich, Mr. President.
Total 24

Nays: Arthun, Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett,

Hawks, Jent, Jones, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke.
Total 25

Absent or not voting: None.
Total 0

Excused: Vincent.
Total 1

HB 275 - Senator Williams moved **HB 275** be **indefinitely postponed**. Motion carried as follows:
Yeas: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Jones, Kaufmann, Keane, Larsen, Moss, Shockley, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 26

Nays: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Sonju, Steinbeisser, Tutvedt, Walker, Wittich.
Total 23

Absent or not voting: None.
Total 0

Excused: Vincent.
Total 1

HB 456 - Senator Essmann moved consideration of **HB 456** be placed at the bottom of the second reading board for the purpose of amendment. Motion carried.

HB 66 - Senator Arthun moved **HB 66** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 47

Nays: Hinkle, Wittich.
Total 2

Absent or not voting: None.
Total 0

Excused: Vincent.
Total 1

HB 100 - Senator Priest moved **HB 100** be concurred in. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Facey, Hamlett, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tutvedt, Walker, Wanzenried, Wittich, Zinke, Mr. President.
Total 33

Nays: Augare, Blewett, Branae, Caferro, Erickson, Gallus, Gillan, Hawks, Kaufmann, Larsen, Moss, Tropila, Van Dyk, Vuckovich, Williams, Windy Boy.
Total 16

Absent or not voting: None.
Total 0

Excused: Vincent.
Total 1

HB 122 - Senator Jent moved **HB 122** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Vincent.
Total 1

HB 172 - Senator Sonju moved **HB 172** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Branae, Brenden, Brown, Buttrey, Caferro, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Larsen, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Windy Boy, Wittich, Zinke, Mr. President.
Total 44

Nays: Blewett, Erickson, Kaufmann, Moss, Williams.
Total 5

Absent or not voting: None.
Total 0

Excused: Vincent.
Total 1

HB 265 - Senator Sonju moved consideration of **HB 265** be placed below HB 180 on the second reading board. Motion carried.

Senator Vincent present at this time.

Senator Essmann moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Peterson in the chair. Chairman Sonju moved the Committee of the Whole report be adopted. Report adopted as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Brenden, Brown, Buttrey, Caferro, Essmann, Facey, Gallus, Gillan, Hamlett, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Larsen, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 42

Nays: Blewett, Branae, Erickson, Hawks, Kaufmann, Moss, Stewart-Peregoy, Wanzenried.
Total 8

Absent or not voting: None.
Total 0

Excused: None.
Total 0

REPORTS OF STANDING COMMITTEES

LOCAL GOVERNMENT (Sonju, Chairman): 3/30/2011
HB 366, be amended as follows:

1. Title, line 11 through line 13.
Strike: "PROHIBITING" on line 11 through "EXTENSION;" on line 13

2. Page 2, line 7.
Strike: "once" through "county"
Insert: "as provided in 7-1-2121"

3. Page 2, line 8.
Strike: "The"
Insert: "In addition to the requirements of 7-1-2121, the"

4. Page 2, line 13.
Following: ";"
Insert: "and"

5. Page 2, lines 14 and 15.
Strike: subsection (iv) in its entirety
Renumber: subsequent subsection

6. Page 2, lines 25 and 26.
Strike: "for" on line 25 through "county" on line 26
Insert: "as provided in 7-1-2121"
Strike: "The" on line 26
Insert: "In addition to the requirements of 7-1-2121, the"

7. Page 2, line 29.
Following: "resolution;"
Insert: "and"

8. Page 2, line 30.
Strike: subsection (iii) in its entirety
Renumber: subsequent subsections

9. Page 3, line 2 through line 6.
Following: "recorder" on line 2
Strike: ";" on line 2 through "period" on line 6

10. Page 3, line 10.
Following: "(5)"
Insert: "(a)"
Strike: "Upon the expiration of the 30-day period provided in subsection (4)(b)(v), the"
Insert: "The"

11. Page 3, line 11 through line 14.
Strike: "." on line 11 through "year" on line 14
Insert: "by:

(i) a unanimous affirmative vote of the county commissioners in counties with three county commissioners;

(ii) an affirmative vote of at least four county commissioners in counties with five commissioners; or

(iii) an affirmative vote of at least two-thirds of the county commissioners in counties with more than five commissioners.

(b) A county commissioner may not abstain from voting unless a proven conflict of interest exists as determined by the county attorney"

And, as amended, be concurred in. Report adopted.

MOTIONS

Senator Essmann moved to suspend the rules to allow **SB 423** and **SB 429** to be placed on third reading this day. Due to the two-thirds majority requirement, the motion **failed** as follows:Yeas: Arthun, Balyeat, Barrett, Blewett, Brenden, Brown, Buttrey, Essmann, Gallus, Hinkle, Hutton, Jackson, Jent, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 31

Nays: Augare, Branae, Caferro, Erickson, Facey, Gillan, Hamlett, Hawks, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 19

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Wittich moved to suspend the rules to allow **SB 429** to be placed on third reading this day. Due to the two-thirds majority requirement, the motion **failed** as follows:
Yeas: Arthun, Balyeat, Barrett, Buttrey, Gallus, Gillan, Hawks, Hinkle, Hutton, Jackson, Jones, Keane, Lake, Larsen, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Williams, Wittich, Zinke, Mr. President.
Total 30

Nays: Augare, Blewett, Branae, Brenden, Brown, Caferro, Erickson, Essmann, Facey, Hamlett, Jent, Kaufmann, Lewis, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Brenden moved to take HB 161 from Judiciary and place on second reading on March 31, 2011. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Moore, Mowbray, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 26

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Lewis, Moss, Murphy, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 24

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Vuckovich moved that **SB 193** be taken from Judiciary and brought before the Committee of the Whole and placed on second reading on March 31, 2011. Motion **failed** as follows:
Yeas: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Lewis, Moss, Murphy, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 24

Nays: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Moore, Mowbray, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 26

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Zinke moved to reconsider action on **SB 423**. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brown, Buttrey, Essmann, Gallus, Hinkle, Hutton, Jackson, Jent, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Wittich, Zinke, Mr. President.
Total 28

Nays: Augare, Blewett, Branae, Brenden, Caferro, Erickson, Facey, Gillan, Hamlett, Hawks, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Walker,

Wanzenried, Williams, Windy Boy.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Zinke moved to suspend the rules to allow **SB 423** to be placed on third reading this day. Due to the two-thirds majority requirement, the motion **failed** as follows:
Yeas: Arthun, Balyeat, Barrett, Blewett, Brenden, Brown, Buttrey, Essmann, Gallus, Hinkle, Hutton, Jackson, Jent, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Van Dyk, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 32

Nays: Augare, Branae, Caferro, Erickson, Facey, Gillan, Hamlett, Hawks, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 18

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Gallus moved to reconsider action on **SB 429**. Motion carried as follows:
Yeas: Arthun, Augare, Blewett, Brown, Buttrey, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jones, Keane, Lake, Larsen, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tropila, Tutvedt, Van Dyk, Wanzenried, Williams, Wittich, Zinke, Mr. President.
Total 34

Nays: Balyeat, Barrett, Branae, Brenden, Caferro, Erickson, Essmann, Hinkle, Jent, Kaufmann, Moss, Stewart-Peregoy, Vincent, Vuckovich, Walker, Windy Boy.
Total 16

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Gallus moved to suspend the rules and that **SB 429** be placed on third reading this day. Due to the two-thirds majority requirement, the motion **failed** as follows:
Yeas: Arthun, Barrett, Brown, Buttrey, Essmann, Facey, Gallus, Hamlett, Hawks, Hutton, Jackson, Jones, Keane, Lake, Larsen, Moore, Mowbray, Murphy, Olson, Ripley, Shockley, Steinbeisser, Tropila, Tutvedt, Walker, Wanzenried, Wittich, Zinke, Mr. President.
Total 29

Nays: Augare, Balyeat, Blewett, Branae, Brenden, Caferro, Erickson, Gillan, Hinkle, Jent, Kaufmann, Lewis, Moss, Priest, Sonju, Stewart-Peregoy, Van Dyk, Vincent, Vuckovich, Williams, Windy Boy.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Essmann moved that the Senate adjourn until 12:00 p.m., Thursday, March 31, 2011. Motion carried.

Senate adjourned at 6:27 p.m.

MARILYN MILLER
Secretary of the Senate

JIM PETERSON
President of the Senate

SENATE JOURNAL
62ND LEGISLATURE
SEVENTY-SECOND LEGISLATIVE DAY

Helena, Montana — Senate Chambers
March 31, 2011 — State Capitol

Senate convened at 12:00 p.m. President Peterson presiding. Invocation by Chaplain Keith Johnson. Pledge of Allegiance to the Flag. Roll Call. All members present, except Senator Gallus, excused. Quorum present.

BILLS AND JOURNALS: 3/31/2011

Correctly printed: **SB 429**, **HB 161**, **HB 249**, **HB 318**, **HB 341**, **HB 421**, **HB 480**, **HB 508**, **HB 535**, **HB 566**.
Correctly printed: **HB 66**, **HB 100**, **HB 122**, **HB 152**, **HB 167**, **HB 172**, **HB 408**, **HB 525**, **HB 547**.
Correctly engrossed: **HB 354**, **HB 366**, **HB 483**, **HB 555**.

Senator Essmann announced the Republicans would caucus.

Senator Williams announced the Democrats would caucus.

Senator Gallus present.

REPORTS OF STANDING COMMITTEES

EDUCATION AND CULTURAL RESOURCES (Zinke, Chairman): 3/30/2011
SR 13, be adopted. **Preliminary** report adopted.

ENERGY AND TELECOMMUNICATIONS (Olson, Chairman): 3/31/2011
SR 5, be adopted. Report adopted.

NATURAL RESOURCES (Barrett, Chairman): 3/31/2011
SJR 22, do pass. Report adopted.
SR 7, be adopted. **Preliminary** report adopted.
SR 8, be adopted. **Preliminary** report adopted.
HB 533, be concurred in. Report adopted.

MESSAGES FROM THE GOVERNOR

March 30, 2011

The Honorable Jim Peterson
President, Montana State Senate
Capitol Station
Helena, Montana 59620

Dear President Peterson:

Attached is the fifth list of appointments to various boards, councils and commissions submitted to the Montana State Senate for confirmation. For each appointment, the following information has been supplied:

Reference to statute and a brief description of the statute
Name, address and phone number(s) for each appointee
Appointee qualifications and term of appointment
Brief biographies

Additional information, including a complete list of gubernatorial appointees, is available online at: http://boards.mt.gov. Please don't hesitate to contact our office if my staff or I can be of assistance to you.

Sincerely yours,

BRIAN SCHWEITZER
Governor

Board of Banking
Maureen Fleming, Missoula

Coal Board
Marcia Brown, Butte
Ralph Lenhart, Glendive
Loren Acton, Bozeman

County Printing Board
Dan Killoy, Miles City
Calvin Oraw, Sidney
Marianne Roose, Eureka
Milton Wester, Laurel
Laura Obert, Townsend

Board of Dentistry
Terry Klise, Missoula
Luella Vogel, Great Falls

Board of Hail Insurance
Gary Gollehon, Brady

Board of Horseracing
Cody Drew, Circle

Board of Nursing Home Administrators
Ken Chase, Billings

Board of Oil and Gas Conservation
Ronald Efta, Wibaux
Bret Smelser, Sidney
Jack King, Billings

Board of Optometry
Douglas Kimball, Bozeman
Peter Fontana, Great Falls

Board of Pardons and Parole
Michael McKee, Hamilton
John Rex, Miles City

Board of Plumbers
Debi Friede, Havre
Denver Fraser, Clancy
Scott Lemert, Livingston
Steve Carey, Frenchtown
David Lindeen, Helena

Board of Radiologic Technologists
Jesse Cole, Butte
Charles McCubbins, Shelby
Anna L. Hazen, Fort Benton
Sharon Dinstel, Colstrip

Board of Realty Regulation
Larry Milless, Stevensville
Connie Wardell, Billings
Shirley McDermott, Laurel
C. E. “Abe” Abramson, Missoula

Transportation Commission
S. Kevin Howlett, Arlee
Carol Lambert, Broadus

MESSAGES FROM THE OTHER HOUSE

HB 271 - The House failed to concur in Senate amendments to **HB 271,** authorized the Speaker to appoint the following Conference Committee, and requested that the Senate appoint a like committee to confer on Senate amendments to **HB 271:**

3/30/2011

Representative Kerns, Vice Chair
Representative Mehlhoff
Representative Skattum

HB 593 - The House failed to concur in Senate amendments to **HB 593,** authorized the Speaker to appoint the following Conference Committee, and requested that the Senate appoint a like committee to confer on **HB 593:**

3/31/2011

Representative Ankney, Vice Chair
Representative McChesney
Representative Stahl

Senate amendments to House bill concurred in: 3/30/2011

HB 334, introduced by Reichner

Senate bills concurred in as amended and returned to the Senate for concurrence in House amendments:

3/30/2011

SB 42, introduced by Shockley
SB 43, introduced by Keane
SB 97, introduced by Shockley
SB 100, introduced by Shockley
SB 108, introduced by Barrett
SB 136, introduced by Balyeat
SB 156, introduced by Windy Boy
SB 222, introduced by Augare
SB 307, introduced by Tutvedt
SB 337, introduced by Blewett
SB 352, introduced by Steinbeisser
SB 367, introduced by Vincent

Senate bills concurred in as amended and returned to the Senate for concurrence in House amendments:

3/31/2011

SB 54, introduced by Balyeat
SB 59, introduced by Moss
SB 124, introduced by Ripley
SB 135, introduced by Balyeat
SB 153, introduced by Jent
SB 173, introduced by Tutvedt
SB 212, introduced by Ripley
SB 221, introduced by Gillan
SB 241, introduced by Priest

SB 311, introduced by Gallus

Senate bills concurred in and returned to the Senate: 3/31/2011

SB 74, introduced by Steinbeisser
SB 76, introduced by Jent
SB 91, introduced by Brown
SB 109, introduced by Barrett
SB 111, introduced by Sonju
SB 114, introduced by Hinkle
SB 115, introduced by Hinkle
SB 118, introduced by Jent

House bills passed and transmitted to the Senate for concurrence: 3/31/2011

HB 603, introduced by Blasdel
HB 616, introduced by Randall
HB 627, introduced by G. Bennett
HB 629, introduced by Knudsen
HB 636, introduced by Loney
HB 641, introduced by Hands
HB 274, introduced by Howard
This bill is being transmitted after the deadline for Appropriation Bills. Joint rule 40-200 requires a 2/3 vote for the bill to be considered by the receiving house.

FIRST READING AND COMMITMENT OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 163, introduced by Hollandsworth, referred to Finance and Claims.
HB 165, introduced by Hollandsworth, referred to Natural Resources.
HB 175, introduced by Regier, referred to Judiciary.
HB 184, introduced by C. Smith, referred to Taxation.
HB 357, introduced by MacLaren, McGillvray, J. Peterson, Milburn, referred to Taxation.
HB 411, introduced by Wilmer, Menahan, referred to Natural Resources.
HB 444, introduced by Burnett, Greef, Walker, Wittich, Miller, Randall, Cuffe, C. Smith, Hollandsworth, O'Neil, Kerns, O'Hara, Blasdel, More, Arntzen, Skees, Connell, Ehli, Reichner, Edmunds, Harris, Kary, Salomon, Regier, Osmundson, Gibson, referred to Taxation.
HB 495, introduced by Cook, referred to Finance and Claims.
HB 560, introduced by Arntzen, referred to Local Government.
HB 561, introduced by Arntzen, referred to Local Government.
HB 562, introduced by Arntzen, referred to Local Government.
HB 577, introduced by Stahl, referred to Business, Labor, and Economic Affairs.
HB 587, introduced by McNutt, referred to Natural Resources.

HB 604, introduced by Cook, referred to Finance and Claims.
HB 609, introduced by MacLaren, Taylor, Reichner, G. Bennett, Blyton, Connell, Esp, Flynn, Hale, Hendrick, Hollandsworth, Kary, Kennedy, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, Milburn, Miller, More, O'Neil, Osmundson, Regier, Reichner, Rosendale, Salomon, Skees, C. Smith, Taylor, Vance, Wagner, Warburton, Washburn, Essmann, Hutton, Jackson, Moore, Olson, Ripley, Tutvedt, Vincent, Walker, Zinke, referred to Business, Labor, and Economic Affairs.
HB 612, introduced by Roberts, referred to Finance and Claims.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 423 passed as follows:
Yeas: Arthun, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Essmann, Gallus, Gillan, Hamlett, Hinkle, Hutton, Jackson, Jent, Jones, Lake, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tropila, Tutvedt, Van Dyk, Vincent, Wittich, Zinke, Mr. President.
Total 36

Nays: Augare, Caferro, Erickson, Facey, Hawks, Kaufmann, Keane, Larsen, Stewart-Peregoy, Vuckovich, Walker, Wanzenried, Williams, Windy Boy.
Total 14

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 429 passed as follows:
Yeas: Arthun, Balyeat, Barrett, Blewett, Brenden, Brown, Buttrey, Essmann, Gallus, Hinkle, Hutton, Jackson, Jones, Lake, Larsen, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Windy Boy, Wittich, Zinke, Mr. President.
Total 35

Nays: Augare, Branae, Caferro, Erickson, Facey, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Moss, Tropila, Wanzenried, Williams.
Total 15

Absent or not voting: None.
Total 0

Excused: None.

Total 0

HB 66 concurred in as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 100 concurred in as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Gillan, Hamlett, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tutvedt, Vincent, Walker, Wanzenried, Wittich, Zinke, Mr. President.
Total 34

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Hawks, Kaufmann, Larsen, Moss, Tropila, Van Dyk, Vuckovich, Williams, Windy Boy.
Total 16

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 122 concurred in as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.

Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 152 concurred in as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Mr. President.
Total 27

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke.
Total 23

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 167 concurred in as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Windy Boy, Wittich, Zinke, Mr. President.
Total 29

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 172 concurred in as follows:
Yeas: Arthun, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Larsen,

Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Zinke, Mr. President.
Total 43

Nays: Augare, Erickson, Kaufmann, Moss, Williams, Windy Boy, Wittich.
Total 7

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 249 concurred in as follows:
Yeas: Arthun, Balyeat, Barrett, Branae, Brenden, Brown, Buttrey, Caferro, Essmann, Facey, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Zinke, Mr. President.
Total 38

Nays: Augare, Blewett, Erickson, Gallus, Kaufmann, Larsen, Stewart-Peregoy, Van Dyk, Wanzenried, Williams, Windy Boy, Wittich.
Total 12

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 318 concurred in as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Vuckovich, Walker, Mr. President.
Total 27

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried, Williams, Windy Boy, Wittich, Zinke.
Total 23

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 341 concurred in as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 408 concurred in as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Gillan, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 29

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 421 concurred in as follows:
Yeas: Augare, Blewett, Branae, Brown, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Ripley, Shockley, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 34

Nays: Arthun, Balyeat, Barrett, Brenden, Buttrey, Essmann, Hinkle, Hutton, Murphy, Olson, Priest,

Sonju, Steinbeisser, Vincent, Walker, Wittich.
Total 16

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 480 concurred in as follows:
Yeas: Augare, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moss, Mowbray, Murphy, Olson, Shockley, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 39

Nays: Arthun, Balyeat, Hinkle, Moore, Priest, Ripley, Sonju, Steinbeisser, Vincent, Walker, Wittich.
Total 11

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 508 concurred in as follows:
Yeas: Augare, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moss, Mowbray, Murphy, Olson, Shockley, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 37

Nays: Arthun, Balyeat, Essmann, Hinkle, Jackson, Moore, Priest, Ripley, Sonju, Steinbeisser, Vincent, Walker, Wittich.
Total 13

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 525 concurred in as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones,

Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 49

Nays: Wittich.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 547 concurred in as follows:
Yeas: Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 41

Nays: Arthun, Essmann, Hinkle, Priest, Ripley, Sonju, Vincent, Walker, Wittich.
Total 9

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 566 concurred in as follows:
Yeas: Arthun, Balyeat, Barrett, Branae, Brenden, Brown, Buttrey, Caferro, Essmann, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jones, Keane, Lake, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tutvedt, Vincent, Vuckovich, Walker, Wanzenried, Windy Boy, Wittich, Zinke, Mr. President.
Total 40

Nays: Augare, Blewett, Erickson, Facey, Jent, Kaufmann, Larsen, Tropila, Van Dyk, Williams.
Total 10

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Essmann moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Zinke in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 272 - Senator Wittich moved **HB 272** be concurred in. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hamlett, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tropila, Tutvedt, Vincent, Walker, Wanzenried, Wittich, Zinke, Mr. President.
Total 31

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Van Dyk, Vuckovich, Williams, Windy Boy.
Total 19

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 330 - Senator Blewett moved **HB 330** be concurred in. Motion carried as follows:
Yeas: Augare, Balyeat, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Lake, Larsen, Lewis, Moss, Murphy, Priest, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 30

Nays: Arthun, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Moore, Mowbray, Olson, Ripley, Shockley, Sonju, Steinbeisser, Vincent, Walker, Wittich.
Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 361 - Senator Olson moved **HB 361** be concurred in. Motion **failed** as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Hinkle, Hutton, Jackson, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Windy Boy, Wittich, Zinke, Mr. President.

Total 26

Nays: Augare, Blewett, Branae, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Jones, Kaufmann, Keane, Larsen, Moss, Shockley, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams.
Total 24

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 483 - Senator Balyeat moved **HB 483** be concurred in.

Senator Gallus excused at this time.

HB 483 - Senator Balyeat moved **HB 483**, second reading copy, be amended as follows:

1. Title, page 1, line 9.
Strike: "DEFINING "BALLOT ISSUE COMMITTEE";"

Amendment adopted as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Essmann, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 43

Nays: Erickson, Facey, Kaufmann, Larsen, Tropila, Wanzenried.
Total 6

Absent or not voting: None.
Total 0

Excused: Gallus.
Total 1

HB 483 - Senator Balyeat moved **HB 483**, as amended, be concurred in. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jent, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 30

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gillan, Hamlett, Hawks, Kaufmann, Keane, Larsen, Moss, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 19

Absent or not voting: None.
Total 0

Excused: Gallus.
Total 1

HB 491 - Senator Mowbray moved **HB 491** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 530 - Senator Blewett moved **HB 530** be concurred in. Motion carried as follows:
Yeas: Augare, Balyeat, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jent, Jones, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke.
Total 26

Nays: Arthun, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Jackson, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Mr. President.
Total 24

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 543 - Senator Shockley moved **HB 543** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Wittich, Zinke, Mr. President.
Total 46

Nays: Brenden, Gillan, Lake, Windy Boy.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 180 - Senator Mowbray moved **HB 180** be concurred in. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 265 - Senator Sonju moved **HB 265** be concurred in.

HB 265 - Senator Buttrey moved **HB 265**, second reading copy, be amended as follows:

1. Title, page 1, line 5.
Following: "~~ARBITRARILY~~"
Insert: "AND ARBITRARILY"

2. Page 1, line 20.
Following: "~~arbitrarily~~"
Insert: "and arbitrarily"

3. Page 1, line 22.
Following: "repair."
Insert: "For the purposes of this subsection (1)(a)(iii), "arbitrarily" means without a reasonable basis in fact."

Amendment **not** adopted as follows:
Yeas: Arthun, Buttrey, Facey, Jones, Mowbray, Murphy, Priest, Shockley, Steinbeisser, Tutvedt, Vuckovich, Zinke, Mr. President.
Total 13

Nays: Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Caferro, Erickson, Essmann, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Olson, Ripley, Sonju, Stewart-Peregoy, Tropila, Van Dyk, Vincent, Walker, Wanzenried, Williams, Windy Boy, Wittich.
Total 37

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 265 - Thereupon, the Senate reverted to the original motion of Senator Sonju which passed as follows:
Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 48

Nays: Balyeat, Steinbeisser.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 555 - Senator Wittich moved **HB 555** be concurred in. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 27

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Shockley, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 23

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 416 - Senator Moore moved **HB 416** be concurred in. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 27

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Shockley, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 23

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 414 - Senator Balyeat moved **HB 414** be concurred in. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Branae, Brenden, Brown, Buttrey, Essmann, Facey, Gallus, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tropila, Tutvedt, Vincent, Walker, Wanzenried, Wittich, Zinke, Mr. President.
Total 36

Nays: Augare, Blewett, Caferro, Erickson, Gillan, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Van Dyk, Vuckovich, Williams, Windy Boy.
Total 14

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 405 - Senator Tutvedt moved **HB 405** be concurred in. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hawks, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Jent, Kaufmann, Keane, Larsen, Moss, Shockley, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 535 - Senator Balyeat moved **HB 535** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Wittich, Zinke, Mr. President.
Total 48

Nays: Larsen, Windy Boy.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 354 - Senator Mowbray moved **HB 354** be concurred in. Motion **failed** as follows:
Yeas: Arthun, Balyeat, Brenden, Buttrey, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 25

Nays: Augare, Barrett, Blewett, Branae, Brown, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 25

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 354 - Senator Williams moved **HB 354** be **indefinitely postponed**. Motion **failed** as follows:
Yeas: Arthun, Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 23

Nays: Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 27

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 366 - Senator Wittich moved **HB 366** be concurred in. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 27

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Murphy, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 23

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Essmann moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. Senate resumed. President Peterson in the chair. Chairman Zinke moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arthun, Balyeat, Barrett, Branae, Brenden, Brown, Buttrey, Essmann, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jones, Lake, Larsen, Lewis, Moore, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wittich, Zinke, Mr. President.
Total 35

Nays: Augare, Blewett, Caferro, Erickson, Facey, Jent, Kaufmann, Keane, Moss, Mowbray, Stewart-Peregoy, Tropila, Wanzenried, Williams, Windy Boy.
Total 15

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senate in recess.

Senate reconvened at 4:02 p.m.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Essmann moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Zinke in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 456 - Senator Walker moved **HB 456** be concurred in. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 27

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 23

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 464 - Senator Tutvedt moved **HB 464** be concurred in. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 161 - Senator Hutton moved **HB 161** be concurred in. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hamlett, Hinkle, Hutton, Jackson, Jent, Jones, Lake, Lewis, Moore, Mowbray, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 29

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hawks, Kaufmann, Keane, Larsen, Moss, Murphy, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Essmann moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Peterson in the chair. Chairman Zinke moved the Committee of the Whole report be adopted. Report adopted as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Gallus, Gillan, Hamlett, Hinkle, Hutton, Jackson, Jones, Lake, Larsen, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 32

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Hawks, Jent, Kaufmann, Keane, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 18

Absent or not voting: None.
Total 0

Excused: None.
Total 0

MOTIONS

Senator Mowbray moved to reconsider action on **HB 354** and that **HB 354** be placed on second reading. Motion **failed** as follows:

Yeas: Balyeat, Barrett, Brenden, Brown, Buttrey, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Mr. President.
Total 25

Nays: Arthun, Augare, Blewett, Branae, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke.
Total 25

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Vuckovich moved to change his vote on **HB 265** from No to Yes. Without objection, so ordered.

Senator Buttrey moved to change his vote on **HB 341** from No to Yes. Without objection, so ordered.

Senator Williams moved to change her vote on **HB 272** from Yes to No. Without objection, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Essmann moved that the Senate adjourn until 1:00 p.m., Friday, April 1, 2011. Motion carried.

Senate adjourned at 6:23 p.m.

MARILYN MILLER
Secretary of the Senate

JIM PETERSON
President of the Senate

SENATE JOURNAL
62ND LEGISLATURE
SEVENTY-THIRD LEGISLATIVE DAY

Helena, Montana — Senate Chambers
April 1, 2011 — State Capitol

Senate convened at 1:00 p.m. President Peterson presiding. Invocation by Chaplain Keith Johnson. Pledge of Allegiance to the Flag. Roll Call. All members present. Quorum present.

BILLS AND JOURNALS: 4/1/2011

Correctly printed: **HB 161**, **HB 180**, **HB 265**, **HB 272**, **HB 330**, **HB 361**, **HB 366**, **HB 405**, **HB 414**, **HB 416**, **HB 456**, **HB 464**, **HB 491**, **HB 530**, **HB 533**, **HB 535**, **HB 543**, **HB 555**, **SJR 22**, **SR 5**.

Senator Vincent rose on a point of privilege and clarified his County did vote in favor of medical marijuana.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 161 concurred in as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jent, Jones, Lake, Lewis, Moore, Mowbray, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Kaufmann, Keane, Larsen, Moss, Murphy, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 180 concurred in as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 265 concurred in as follows:
Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 47

Nays: Balyeat, Gallus, Vincent.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 272 concurred in as follows:
Yeas: Arthun, Barrett, Brenden, Brown, Buttrey, Essmann, Hamlett, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tropila, Tutvedt, Vincent, Walker, Wittich, Mr. President.
Total 28

Nays: Augare, Balyeat, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 330 concurred in as follows:
Yeas: Augare, Balyeat, Barrett, Blewett, Branae, Brown, Caferro, Erickson, Essmann, Facey, Gillan, Hamlett, Hawks, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Murphy, Olson, Priest, Shockley, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 35

Nays: Arthun, Brenden, Buttrey, Gallus, Hinkle, Hutton, Jackson, Moore, Moss, Mowbray, Ripley, Sonju, Steinbeisser, Walker, Wittich.
Total 15

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 361 not concurred in as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Hinkle, Hutton, Jackson, Lewis, Moore, Mowbray, Murphy, Olson, Ripley, Steinbeisser, Tutvedt, Vincent, Zinke, Mr. President.
Total 19

Nays: Augare, Blewett, Branae, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Moss, Priest, Shockley, Sonju, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich.
Total 31

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 366 concurred in as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 27

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Murphy, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 23

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 405 concurred in as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hawks, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Jent, Kaufmann, Keane, Larsen, Moss, Shockley, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 414 concurred in as follows:
Yeas: Arthun, Balyeat, Barrett, Branae, Brenden, Brown, Buttrey, Essmann, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tropila, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 34

Nays: Augare, Blewett, Caferro, Erickson, Facey, Gallus, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 16

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 416 concurred in as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hawks, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Jent, Kaufmann, Keane, Larsen, Moss, Shockley, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 456 concurred in as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 26

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Mowbray, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 24

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 464 concurred in as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 27

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Shockley, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 23

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 483 concurred in as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jent, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 29

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 491 concurred in as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 530 concurred in as follows:
Yeas: Augare, Barrett, Blewett, Branae, Brown, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moss, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 32

Nays: Arthun, Balyeat, Brenden, Buttrey, Essmann, Hinkle, Jackson, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Walker.
Total 18

Absent or not voting: None.

Total 0

Excused: None.
Total 0

HB 535 concurred in as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 543 concurred in as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: Brenden.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 555 not concurred in as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Sonju, Steinbeisser, Tutvedt, Walker, Wittich, Zinke, Mr. President.
Total 25

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Jent, Kaufmann, Keane, Larsen, Moss, Shockley, Stewart-Peregoy, Tropila, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 25

Absent or not voting: None.
Total 0

Excused: None.
Total 0

MESSAGES FROM THE GOVERNOR

April 1, 2011
The Honorable Jim Peterson
President of the Senate
State Capitol
Helena, MT 59620

Dear President Peterson:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return with amendments Senate Bill No. 106, (SB 106), **"AN ACT REQUIRING THE MONTANA ATTORNEY GENERAL TO FILE A MOTION TO JOIN THE FLORIDA LAWSUIT CHALLENGING THE CONSTITUTIONALITY OF PUBLIC LAW 111-148, THE PATIENT PROTECTION AND AFFORDABLE CARE ACT; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."**

SB 106 requires the Montana Attorney General, on behalf of the State of Montana, to file a motion to join a lawsuit now on appeal in the 11th Circuit Court of Appeals, challenging the constitutionality of the federal Patient Protection and Affordable Care Act. My amendments to SB 106 address two matters.

First, the Montana Constitution establishes the Montana Attorney General as the "legal officer of the state." MONT. CONST. Art. VI, § 4(4). The Montana Constitution also expressly establishes three distinct branches of government and prohibits one branch from exercising the powers of another. MONT. CONST. Art. III, § 1. I have been advised that the bill in its current form likely runs afoul of these provisions of the Montana Constitution. I understand that the Legislature, too, received an opinion from its own chief legal counsel questioning the constitutionality of SB 106.

To address this problem, my amendments remove from SB 106 the requirement that the Montana Attorney General move to join the federal lawsuit and instead state that the Legislature encourages such action by the Attorney General. My amendment would leave intact the Attorney General's responsibility, as granted by the Montana Constitution, to exercise his independent judgment as to whether and how to litigate on behalf of the State. By leaving the decision on whether to seek

to join the lawsuit in the discretion of the Attorney General, I believe the constitutional infirmities in the bill are resolved.

Second, any effort by the State of Montana to join the federal lawsuit will not be without cost to the state treasury. The lawsuit is proceeding on its own, without Montana's involvement, and Montana's participation would have no bearing on the outcome. It is evident that despite costing taxpayers money, SB 106 is intended to serve a symbolic purpose, only.

I find it particularly ironic that some legislators are willing to spend Montana taxpayers' money to challenge the federal health care reform act for symbolic reasons, while at the same time deriving personal advantage from state health care laws and policies that allow them, as legislators, to receive taxpayer-funded health insurance benefits. My proposed amendments to SB 106 would reduce appropriations to the Legislature contained in House Bill No.1 (the "feed bill") by an amount totaling 50% of one year to 93 legislators who voted in favor of SB 106 on third reading. This reduction of appropriations to the Legislature, totaling $409,014, could be used to fund the State's involvement in the lawsuit, should the Attorney General choose to so act.
I ask you for favorable consideration of my amendment.

cc: Legislative Services Division

Governor's recommendations for amendments to **Senate Bill 106** (reference copy -- salmon) are as follows:

1. Title, line 4.
Strike: "REQUIRING"
Insert: "ENCOURAGING"

2. Title, line 6.
Following: "ACT;"
Insert: "MAKING FUNDING AVAILABLE FOR THE LITIGATION; AMENDING SECTION 1, CHAPTER 1, LAWS OF 2011;"

3. Page 1, line 11.
Strike: "shall"
Insert: "is encouraged to"

4. Page 1, line 16.
Strike: "shall"
Insert: "is encouraged to"

5. Page 1, line 18.
Insert: **"Section 2.** Section 1, Chapter 1, Laws of 2011, is amended to read:
Section 1. Appropriation. (1) The following amounts are appropriated from the state general fund for fiscal years 2011, 2012, and 2013 for the operation of the 62nd legislature and the costs of preparing for the 63rd legislature:

LEGISLATIVE BRANCH (1104)
1. Senate ~~$2,827,566~~ $2,691,228
2. House of Representatives ~~4,609,477~~ 4,336,801
3. Legislative Services Division 616,237

(2) The following amounts are appropriated from the state general fund for fiscal year 2013 for the initial costs of the 63rd legislature:

LEGISLATIVE BRANCH (1104)
1. Senate $101,521
2. House 161,000
3. Legislative Services Division 7,663"

Renumber: subsequent section

April 1, 2011

The Honorable Jim Peterson
President of the Senate
State Capitol
Helena, MT 59620

Dear President Peterson:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return with amendments Senate Bill No. 125, (SB 125), **"AN ACT PROHIBITING MONTANA STATE GOVERNMENT FROM ADMINISTERING FEDERAL HEALTH INSURANCE PURCHASE REQUIREMENTS."**

SB 125 prohibits state agencies from implementing or enforcing the individual mandate provisions of the federal health care reform acts Public Law 111-148 and Public Law 111-152. The prohibitions in SB 125 are based on the Legislature's finding that the requirements for individuals to purchase health insurance and that penalize employers for failing to contribute toward employees' health insurance will cause unneeded expense and inconvenience to certain individuals and employers.

My amendments express that the provisions of the federal health care reform act are onerous to individuals and small employers because no low-cost public health insurance option is available to Montana consumers. Were a low-cost public health plan available as an option to Montanans, we could rest assured that insurance prices would become more competitive and affordable for Montanans. My amendments also state that if a low-cost public health insurance option becomes available in the future, the provisions of SB 125 will terminate.

I ask you for favorable consideration of my amendment.

Sincerely,

BRIAN SCHWEITZER
GOVERNOR

cc: Legislative Services Division

Governor's recommendations for amendments to **Senate Bill 125** (reference copy -- salmon) are as follows:

1. Title, page 1, line 6.
Following: "REQUIREMENTS"
Insert: "; AND PROVIDING A CONTINGENT TERMINATION DATE"

2. Page 1, line 11.
Following: "that"
Insert: ", in the absence of the availability of a low-cost public health insurance option,"

3. Page 2, line 6.
Insert: "NEW SECTION. **Section 3. Contingent termination.** [This act] terminates on the date that the director of the department of public health and human services certifies to the governor that a low-cost public health insurance option that is equivalent to or stronger than the public health insurance option in the introduced version of H.R. 3200, America's Affordable Health Choices Act of 2009,is available for purchase by Montanans. The department of public health and human services shall immediately notify the code commissioner of the certification."

MOTIONS

Senator Williams moved to change her vote on **HB 330** from No to Yes. Without objection, so ordered.

Senator Balyeat moved to change his vote on **HB 530** from Yes to No. Without objection, so ordered.

Senator Wittich moved to reconsider the third reading action on **HB 555** and place **HB 555** on third reading on April 2, 2011.
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Sonju, Steinbeisser, Tutvedt, Walker, Wittich, Zinke, Mr. President.
Total 26

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Shockley, Stewart-Peregoy, Tropila, Van Dyk, Vincent,

Vuckovich, Wanzenried, Williams, Windy Boy.
Total 24

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Mowbray moved **HB 354** be moved from the Committee of the Whole committee to the Business, Labor, and Economic Affairs committee.
Yeas: Arthun, Augare, Balyeat, Barrett, Brenden, Brown, Buttrey, Caferro, Essmann, Facey, Gallus, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tropila, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 35

Nays: Blewett, Branae, Erickson, Gillan, Hamlett, Hawks, Kaufmann, Larsen, Moss, Stewart-Peregoy, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 15

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Branae moved to change his vote on **HB 180** from Yes to No. Without objection, so ordered.

Senator Keane moved to change his vote on **HB 180** from Yes to No. Without objection, so ordered.

Senator Shockley moved to change his vote on **HB 265** from No to Yes. Without objection, so ordered.

Senator Balyeat moved **HB 609** be moved from the Business, Labor, and Economic Affairs committee to the Public Health, Welfare and Safety committee. Without objection, so ordered.

FIRST READING AND COMMITMENT OF BILLS

The following Senate resolution was introduced, read first time, and referred to committee:

SR 20, introduced by Jones, referred to Highways and Transportation.

The following House bills were introduced, read first time, and referred to committees:

HB 603, introduced by Blasdel, Hansen, Knox, Stahl, Osmundson, Essmann, Stewart-Peregoy, Taylor, C. Smith, Rosendale, McGillvray, Evans, Windy Boy, Randall, McNiven, Priest, referred to Education and Cultural Resources.
HB 616, introduced by Randall, Stahl, Warburton, Salomon, Esp, Beck, Blyton, Rosendale, Wagner, Hale, Osmundson, Hansen, Vance, Harris, Knudsen, referred to Taxation.
HB 627, introduced by G. Bennett, Milburn, Regier, Taylor, Warburton, C. Smith, McGillvray, referred to Judiciary.
HB 629, introduced by Knudsen, referred to Local Government.
HB 636, introduced by Loney, referred to Highways and Transportation.
HB 641, introduced by Hands, referred to Taxation.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Essmann moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Ripley in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SJR 21 - Senator J. Peterson moved **SJR 21** do pass. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Zinke, Mr. President.
Total 46

Nays: Barrett, Moore, Windy Boy, Wittich.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJR 24 - Senator Shockley moved **SJR 24** do pass. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Blewett, Branae, Brown, Buttrey, Caferro, Essmann, Facey, Gallus, Hawks, Hutton, Jent, Jones, Kaufmann, Keane, Moss, Olson, Priest, Shockley, Steinbeisser, Stewart-Peregoy, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Mr. President.
Total 30

Nays: Barrett, Brenden, Erickson, Gillan, Hamlett, Hinkle, Jackson, Lake, Larsen, Lewis, Moore, Mowbray, Murphy, Ripley, Sonju, Tropila, Vincent, Walker, Wittich, Zinke.
Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SR 3 - Senator Gillan moved **SR 3** be adopted. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 111 - Senator Erickson moved **HB 111** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Wittich, Zinke, Mr. President.
Total 49

Nays: Windy Boy.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 132 - Senator Arthun moved **HB 132** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Blewett, Branae, Brown, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Mr. President.
Total 41

Nays: Barrett, Brenden, Buttrey, Hamlett, Hinkle, Walker, Windy Boy, Wittich, Zinke.
Total 9

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 133 - Senator Larsen moved **HB 133** be concurred in. Motion carried as follows:
Yeas: Augare, Barrett, Blewett, Branae, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Larsen, Moss, Mowbray, Murphy, Olson, Priest, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Mr. President.
Total 38

Nays: Arthun, Balyeat, Brenden, Hinkle, Lake, Lewis, Moore, Ripley, Vincent, Walker, Wittich, Zinke.
Total 12

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 195 - Senator Buttrey moved **HB 195** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Williams, Wittich, Zinke, Mr. President.
Total 45

Nays: Hamlett, Keane, Stewart-Peregoy, Wanzenried, Windy Boy.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 206 - Senator Lewis moved **HB 206** be concurred in. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 339 - Senator Hinkle moved **HB 339** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: Erickson.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 460 - Senator Walker moved **HB 460** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent,

Walker, Wanzenried, Williams, Wittich, Zinke, Mr. President.
Total 48

Nays: Vuckovich, Windy Boy.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 529 - Senator Wittich moved **HB 529** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Wittich, Zinke, Mr. President.
Total 47

Nays: Hinkle, Keane, Windy Boy.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Essmann moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Peterson in the chair. Chairman Ripley moved the Committee of the Whole report be adopted. Report adopted as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Williams, Wittich, Zinke, Mr. President.
Total 48

Nays: Wanzenried, Windy Boy.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

MOTIONS

Senator Hamlett moved to change his vote on **HB 132** from Yes to No. Without objection, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Essmann moved that the Senate adjourn until 8:00 a.m., Saturday, April 2, 2011. Motion carried.

Senate adjourned at 2:40 p.m.

MARILYN MILLER
Secretary of the Senate

JIM PETERSON
President of the Senate

SENATE JOURNAL
62ND LEGISLATURE
SEVENTY-FOURTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
April 2, 2011 — State Capitol

Senate convened at 8:00 a.m. President Peterson presiding. Invocation by Chaplain Keith Johnson. Pledge of Allegiance to the Flag. Roll Call. All members present, except Senators Essmann, Moore, and Wittich, excused. Quorum present.

Christina Eike, a student from Hobson, sang the National Anthem.

Senator Brown announced the Republicans would caucus.

Senator Williams announced the Democrats would caucus.

Senate in recess.

BILLS AND JOURNALS: 4/2/2011

Correctly printed: **SJR 21**, **SJR 24**, **SR 20**, **HB 111**, **HB 132**, **HB 133**, **HB 195**, **HB 206**, **HB 460**.
Correctly engrossed: **HB 339**, **HB 529**.
Correctly enrolled: **SB 74**, **SB 76**, **SB 91**, **SB 109**, **SB 111**, **SB 114**, **SB 115**, **SB 118**.
Examined by the sponsor and found to be correct: **SB 74**, **SB 76**, **SB 91**, **SB 109**, **SB 111**, **SB 114**, **SB 115**, **SB 118**.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SJR 21 passed as follows:
Yeas: Arthun, Augare, Balyeat, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 46

Nays: Barrett.
Total 1

Absent or not voting: None.
Total 0

Excused: Essmann, Moore, Wittich.
Total 3

SJR 24 passed as follows:
Yeas: Arthun, Augare, Balyeat, Blewett, Branae, Brown, Buttrey, Caferro, Erickson, Facey, Gallus, Gillan, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Moss, Mowbray, Olson, Priest, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Mr. President.
Total 34

Nays: Barrett, Brenden, Hamlett, Hinkle, Lake, Larsen, Lewis, Murphy, Ripley, Tropila, Vincent, Walker, Zinke.
Total 13

Absent or not voting: None.
Total 0

Excused: Essmann, Moore, Wittich.
Total 3

HB 111 concurred in as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Lewis, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Mr. President.
Total 43

Nays: Caferro, Larsen, Windy Boy, Zinke.
Total 4

Absent or not voting: None.
Total 0

Excused: Essmann, Moore, Wittich.
Total 3

HB 132 concurred in as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brown, Buttrey, Caferro, Erickson, Facey, Gallus, Gillan, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 42

Nays: Brenden, Hamlett, Hinkle, Sonju, Walker.
Total 5

Absent or not voting: None.

Total 0

Excused: Essmann, Moore, Wittich.
Total 3

HB 133 concurred in as follows:
Yeas: Augare, Barrett, Blewett, Branae, Brown, Buttrey, Caferro, Erickson, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Kaufmann, Keane, Larsen, Moss, Mowbray, Murphy, Olson, Steinbeisser, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Mr. President.
Total 29

Nays: Arthun, Balyeat, Brenden, Facey, Hinkle, Jones, Lake, Lewis, Priest, Ripley, Shockley, Sonju, Stewart-Peregoy, Tutvedt, Vincent, Walker, Windy Boy, Zinke.
Total 18

Absent or not voting: None.
Total 0

Excused: Essmann, Moore, Wittich.
Total 3

HB 195 concurred in as follows:
Yeas: Arthun, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Erickson, Facey, Gallus, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Lake, Larsen, Lewis, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Zinke, Mr. President.
Total 38

Nays: Augare, Caferro, Gillan, Hamlett, Keane, Stewart-Peregoy, Wanzenried, Williams, Windy Boy.
Total 9

Absent or not voting: None.
Total 0

Excused: Essmann, Moore, Wittich.
Total 3

HB 206 failed (due to 2/3 vote requirement) as follows:

Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Paired: Essmann, Moore, Wittich, Aye; Augare, Gillan, Williams, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 339 concurred in as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Mr. President.
Total 46

Nays: Zinke.
Total 1

Absent or not voting: None.
Total 0

Excused: Essmann, Moore, Wittich.
Total 3

HB 460 concurred in as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Zinke, Mr. President.
Total 46

Nays: Windy Boy.
Total 1

Absent or not voting: None.
Total 0

Excused: Essmann, Moore, Wittich.

Total 3

HB 529 concurred in as follows:
Yeas: Arthun, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Facey, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Lake, Larsen, Lewis, Murphy, Olson, Priest, Ripley, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Wanzenried, Williams, Mr. President.
Total 33

Nays: Augare, Balyeat, Caferro, Erickson, Gallus, Hinkle, Kaufmann, Keane, Moss, Mowbray, Sonju, Van Dyk, Windy Boy, Zinke.
Total 14

Absent or not voting: None.
Total 0

Excused: Essmann, Moore, Wittich.
Total 3

HB 555 concurred in as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Sonju, Steinbeisser, Tutvedt, Vincent, Vuckovich, Walker, Wittich, Zinke, Mr. President.
Total 28

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Shockley, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried, Williams, Windy Boy.
Total 22

Paired: Essmann, Moore, Wittich, Aye; Augare, Gillan, Williams, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

REPORTS OF STANDING COMMITTEES

NATURAL RESOURCES (Barrett, Chairman): 4/1/2011
HB 196, be concurred in. Report adopted.
HB 602, be concurred in. Report adopted.

STATE ADMINISTRATION (Shockley, Chairman): 4/1/2011

SJR 25, do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 4/1/2011

SB 3, introduced by Hawks
SB 5, introduced by Brown
SB 9, introduced by Keane
SB 55, introduced by Jent
SB 89, introduced by Wittich
SB 140, introduced by Erickson
SB 159, introduced by Priest
SB 160, introduced by Vincent
SB 179, introduced by Wittich
SB 180, introduced by Sonju
SB 206, introduced by Jones
SB 208, introduced by Erickson
SB 210, introduced by Tutvedt
SB 213, introduced by Vuckovich
SB 223, introduced by Zinke
SB 228, introduced by Priest
SB 229, introduced by Sonju
SB 236, introduced by Buttrey
SB 246, introduced by Olson
SB 248, introduced by Gillan
SB 254, introduced by Hutton
SB 275, introduced by Zinke
SB 280, introduced by Brown
SB 286, introduced by Olson
SB 297, introduced by Essmann
SB 305, introduced by Jackson
SB 306, introduced by Murphy
SB 356, introduced by Hamlett

Senate joint resolution concurred in and returned to the Senate: 4/1/2011

SJR 10, introduced by Priest

Senate bills concurred in as amended and returned to the Senate for concurrence in House amendments:

4/1/2011

SB 234, introduced by Sonju
SB 255, introduced by Brenden

SB 327, introduced by Larsen
SB 340, introduced by Vincent

HB 2 - The House failed to concur in Senate amendments to **HB 2,** authorized the Speaker to appoint the following **Free** Conference Committee, and requested that the Senate appoint a like committee to confer on **HB 2:**

4/2/2011

Representative McNutt, Vice Chair
Representative Esp
Representative Sesso

MOTIONS

Senator Brown moved to appoint a **Free** Conference Committee on **HB 2**. Motion carried. President Peterson appointed:

4/2/2011

Senator Lewis, Chair
Senator Ripley
Senator Williams

FIRST READING AND COMMITMENT OF BILLS

The following Senate joint resolution was introduced, read first time, and referred to committee:

SJR 26, introduced by Lewis, referred to Finance and Claims.

The following Senate resolutions were introduced, read first time, and referred to committees:

SR 21, introduced by Olson, referred to Energy and Telecommunications.
SR 22, introduced by Olson, referred to Energy and Telecommunications.
SR 23, introduced by Olson, referred to Energy and Telecommunications.
SR 24, introduced by Shockley, referred to State Administration.
SR 25, introduced by Shockley, referred to State Administration.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Brown moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Brown in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 28 - **House Amendments** - Senator Kaufmann moved House amendments to **SB 28** be concurred in. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Essmann, Moore, Wittich.
Total 3

SB 36 - **House Amendments** - Senator Shockley moved House amendments to **SB 36** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Essmann, Moore, Wittich.
Total 3

SB 43 - **House Amendments** - Senator Keane moved House amendments to **SB 43** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brenden, Buttrey, Caferro, Facey, Gallus, Gillan, Hamlett, Hawks, Jackson, Jent, Jones, Keane, Lake, Larsen, Lewis, Moss, Olson, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 33

Nays: Balyeat, Brown, Erickson, Hinkle, Hutton, Kaufmann, Mowbray, Murphy, Priest, Ripley, Sonju, Van Dyk, Vincent, Walker.
Total 14

Absent or not voting: None.
Total 0

Excused: Essmann, Moore, Wittich.
Total 3

SB 52 - **House Amendments** - Senator Tropila moved House amendments to **SB 52** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 46

Nays: Balyeat.
Total 1

Absent or not voting: None.
Total 0

Excused: Essmann, Moore, Wittich.
Total 3

SB 120 - **House Amendments** - Senator Brenden moved House amendments to **SB 120** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Lewis, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 46

Nays: Larsen.
Total 1

Absent or not voting: None.
Total 0

Excused: Essmann, Moore, Wittich.
Total 3

SB 146 - **House Amendments** - Senator Lake moved House amendments to **SB 146** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro,

Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Essmann, Moore, Wittich.
Total 3

SB 222 - **House Amendments** - Senator Augare moved House amendments to **SB 222** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Essmann, Moore, Wittich.
Total 3

SB 307 - **House Amendments** - Senator Tutvedt moved House amendments to **SB 307** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Larsen, Lewis, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 43

Nays: Blewett, Kaufmann, Moss, Tropila.
Total 4

Absent or not voting: None.
Total 0

Excused: Essmann, Moore, Wittich.
Total 3

SB 337 - **House Amendments** - Senator Blewett moved House amendments to **SB 337** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Essmann, Moore, Wittich.
Total 3

SB 352 - **House Amendments** - Senator Steinbeisser moved House amendments to **SB 352** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Larsen, Lewis, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 44

Nays: Blewett, Kaufmann, Van Dyk.
Total 3

Absent or not voting: None.
Total 0

Excused: Essmann, Moore, Wittich.
Total 3

Senator Brown moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Peterson in the chair. Chairman Hamlett moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Essmann, Moore, Wittich.
Total 3

SPECIAL ORDERS OF THE DAY

Senator Brown thanked the Senate pages for their work during the week of March 28-April 2, 2011.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Senator Brown moved that the Senate adjourn until 1:00 p.m., Monday, April 4, 2011. Motion carried.

Senate adjourned at 9:10 a.m.

MARILYN MILLER
Secretary of the Senate

JIM PETERSON
President of the Senate

SENATE JOURNAL
62ND LEGISLATURE
SEVENTY-FIFTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
April 4, 2011 — State Capitol

Senate convened at 1:00 p.m. President Peterson presiding. Invocation by Chaplain Keith Johnson. Pledge of Allegiance to the Flag. Roll Call. All members present, except Senator Olson, excused. Quorum present.

The Legislative Choir sang "Bound for Jubilee."

BILLS AND JOURNALS: 4/4/2011

Correctly printed: **SJR 25**, **HB 196**, **HB 602**.
Correctly enrolled: **SB 3**, **SB 5**, **SB 55**, **SB 159**, **SB 208**, **SB 210**, **SB 305**, **SB 356**, **SJR 10**, **SR 3**.
Examined by the sponsor and found to be correct: **SB 3**, **SB 5**, **SB 55**, **SB 159**, **SB 208**, **SB 210**, **SB 305**, **SB 356**, **SJR 10**, **SR 3**.

LEGISLATIVE ADMINISTRATION (Brown, Chairman): 4/5/2011
MR. PRESIDENT:
We, your committee on Legislative Administration recommend that employment of the following attaches of the Senate be terminated as of 12:00 p.m., Saturday, April 2, 2011:

TITLE	NAME
Pages:	Saxon Johnson, Fairfield
	Shawna McConnell, Whitefish
	Rachel McKinney, Billings
	Brittnee Richardson, Frenchtown
	Jack Shultz, Raynesford
	Joseph Swain, Helena

and recommend that the following attaches of the Senate be employed as of 8:00 a.m., Monday, April 4, 2011:

TITLE	NAME
Pages:	Brittany Bernhart, Three Forks
	Ariana Lipkind, Missoula
	Jonathan Reimer, Whitefish
	Samantha Robinson, Helena
	Katie Stocker, Billings
	Kelsey Strom, Billings

Report Adopted.

REPORTS OF STANDING COMMITTEES

STATE ADMINISTRATION (Shockley, Chairman): 4/1/2011
SR 6, introduced resolution, be amended as follows:

1. Page 1, line 18 through line 19.
Strike: ";" on line 18 through "2014" on line 19

And, as amended, be adopted. **Preliminary** report adopted.

MESSAGES FROM THE GOVERNOR

April 4, 2011

The Honorable Jim Peterson
President of the Senate
State Capitol
Helena, MT 59620

Dear President Peterson:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return with amendments Senate Bill No. 294 (SB 294), **"AN ACT PROVIDING FOR FUNDING OF ENTRY-LEVEL EMPLOYEES UNDER THE PRIMARY SECTOR BUSINESS WORKFORCE TRAINING ACT BY ELIMINATING THE REQUIREMENT THAT NEW JOBS CREATED MUST PROVIDE AN AVERAGE WEEKLY WAGE THAT MEETS OR EXCEEDS THE LESSER OF MONTANA'S CURRENT AVERAGE WEEKLY WAGE OR THE CURRENT AVERAGE WEEKLY WAGE OF THE COUNTY IN WHICH THE EMPLOYEES ARE TO BE PRINCIPALLY EMPLOYED; PROVIDING ALTERNATE CRITERIA FOR WAGES FOR NEW JOBS; AND AMENDING SECTIONS 39-11-103 AND 39-11-202, MCA."**

I am returning SB 294 with amendments to ensure that the primary sector workforce training program, the subject of the bill, can be fully functional to the benefit of economic and job growth for the state of Montana. The specific amendments: 1) modify the level of salary required to participate in the workforce training program; 2) allow limited participation in the workforce training program for good part-time jobs; 3) make the workforce training grant review process more efficient; and 4) require coordination between this and other Montana workforce training programs.

The bill, as passed, bases workforce eligibility for employment in the manufacturing sector on jobs that pay the lesser of 150% of the state's minimum wage or 75% of the current average weekly wage in the county in which the employee is employed. While it may be necessary to provide workforce training for entry-level positions in manufacturing, I believe that these thresholds are too low. After consultation with the bill sponsor, and a review of the positions available and the corresponding wages associated with them, I propose eligibility based on jobs that pay the lesser of 170% of the state's minimum wage or the average weekly wage in the county.

Additionally, part-time positions make sense for workforce training grants under certain business models. My proposed amendments authorize eligibility for workforce training grants for part time jobs, defined as jobs for which an employee works 25 to 35 hours per week. The maximum workforce training grant amount for a part-time job would be $2,500 per job rather than the $5,000 per job maximum available for full-time positions.

Current administration of the program requires a statutory grant review committee to review and approve the training grant recommendations made by the Department of Commerce. Experience has shown that the grant review committee has always agreed with the Commerce Department's staff recommendations and the participation of the grant review committee has served only to make the process more cumbersome and time consuming. In order to make this program operate more efficiently, my proposed amendments eliminate the statutory grant review committee and allow the Department of Commerce to operate with an internal administrative grant review committee. This amendment is consistent with my efforts to streamline Montana state government.

Finally, my amendments require the Department of Commerce to coordinate with other departments in state government regarding any workforce training funds that might be available outside the scope of this particular program and to do so in such a way as to protect the requirements of this program, while also serving the training needs of individuals and the companies for which they are being trained.

In total, these amendments help make the workforce training program, which is the subject of SB 294, more efficient and more effective in training targeted workers for companies that impact jobs and the economy in a positive manner.

I appreciate the efforts of Senator Buttrey, the primary sponsor of SB 294, in working with my Administration to produce workable legislation in this important area. Senator Buttrey has indicated to my office his support for these amendments. I ask for your favorable consideration of them, as well.

Sincerely,

BRIAN SCHWEITZER
GOVERNOR

cc: Legislative Services Division

Report No. 1, April 4, 2011

Governor's recommendations for amendments to **Senate Bill 294** (reference copy -- salmon) are as follows:

1. Title, page 1, line 5 through line 6.
Strike: "ELIMINATING THE REQUIREMENT THAT"
Insert: "REQUIRING THAT TO BE ELIGIBLE FOR FUNDING,"

2. Title, page 1, line 7.
Following: "OF"
Insert: "170% OF"
Strike: "AVERAGE WEEKLY"
Insert: "MINIMUM"

3. Title, page 1, line 9.
Strike: "AND"

4. Title, page 1, line 10.
Following: "MCA"
Insert: "; REPEALING SECTION 39-11-201, MCA; AND PROVIDING AN EFFECTIVE DATE"

5. Page 1.
Following: line 16
Insert: "(1) "Average weekly wage" has the meaning provided in 39-71-116."
Renumber: subsequent subsections

6. Page 2.
Following: line 10
Insert: "(9) "Part-time job" means a predominantly year-round position requiring an average of 25 to 34 hours of work each week."
Renumber: subsequent subsections

7. Page 2, line 17 through line 18.
Strike: "committee" on line 17 through "39-11-201"
Insert: "department"

8. Page 3, line 9.
Strike: "grant review committee provided for in 39-11-201"
Insert: "department"

9. Page 3, line 24.
Strike: "committee"
Insert: "department"

10. Page 3, line 27.
Strike: "committee"
Insert: "department"

11. Page 3, line 29.
Following: "position"
Insert: "and $2,500 for each part-time position"

12. Page 4, line 2 through line 4.

Strike: "A GRANT" on line 2 through "MET." on line 4
Insert: "A grant may be provided only for a new job that has an average weekly wage that meets or exceeds the lesser of 170% of Montana's current minimum wage or the current average weekly wage of the county in which the employees are to be principally employed, provided minimum wage requirements are met."

13. Page 4, line 7.
Strike: "committee"
Insert: "department"

14. Page 4, line 16.
Strike: "committee"
Insert: "department"

15. Page 4, line 19.
Strike: "committee"
Insert: "department"

16. Page 5, line 7.
Strike: "committee"
Insert: "department"

17. Page 5, line 8.
Strike: "committee, the committee"
Insert: "department, the department"

18. Page 5.
Following: line 10
Insert: "(8) The department shall provide employers assistance in accessing workforce and education services outside the scope of this chapter for which employees may be eligible. These additional services may not be used to replace a grant provided under this section once the contract has been finalized."
Renumber: subsequent subsection

19. Page 5, line 22.
Insert: "NEW SECTION. **Section 3. Repealer.** The following section of the Montana Code Annotated is repealed:
39-11-201. Grant review committee -- appointment -- powers and duties -- rulemaking authority."
Insert: "NEW SECTION. **Section 4. Effective date.** [This act] is effective July 1, 2011."

April 1, 2011

The Honorable Jim Peterson
President of the Senate
State Capitol
Helena, Montana 59620

Dear Senator Peterson:

Please be informed that I have signed **Senate Bill 7** sponsored by Senator Keane, **Senate Bill 12** sponsored by Senator Erickson, **Senate Bill 49** sponsored by Senator Branae, **Senate Bill 92** sponsored by Senator Jent, **Senate Bill 189** sponsored by Senator Keane, **Senate Bill 205** sponsored by Senator Olson, and **Senate Bill 361** sponsored by Senator Ripley on April 1, 2011.

Sincerely,

BRIAN SCHWEITZER
Governor

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 4/1/2011

SB 183, introduced by Brown
SB 184, introduced by Van Dyk
SB 194, introduced by Brenden
SB 285, introduced by Olson
SB 287, introduced by Keane
SB 290, introduced by Zinke
SB 304, introduced by Shockley
SB 320, introduced by Jones
SB 324, introduced by Balyeat
SB 355, introduced by Hamlett
SB 366, introduced by Vincent
SB 370, introduced by Priest
SB 374, introduced by Olson

Senate joint resolutions concurred in and returned to the Senate: 4/1/2011

SJR 6, introduced by Olson
SJR 7, introduced by Brenden
SJR 12, introduced by Walker
SJR 14, introduced by Hawks

Senate amendments to House bills concurred in: 4/2/2011

HB 352, introduced by Osmundson
HB 542, introduced by Esp
HB 575, introduced by Hansen

Senate bill not concurred in and returned to the Senate: 4/2/2011

SB 247, introduced by Moss

MOTIONS

Senator Priest moved to pass consideration of **SJR 22** for the day. Without objection, so ordered.

Senator Williams acknowledged the Anniversary of Jeanette Rankin beginning her first term in the United States Congress.

FIRST READING AND COMMITMENT OF BILLS

The following Senate joint resolution was introduced, read first time, and referred to committee:

SJR 27, introduced by Caferro, Lewis referred to Public Health, Welfare and Safety.

The following Senate resolutions were introduced, read first time, and referred to committees:

SR 26, introduced by Facey, referred to Business, Labor, and Economic Affairs.
SR 27, introduced by Steinbeisser, referred to Agriculture, Livestock and Irrigation.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Essmann moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Buttrey in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SJR 18 - Senator Gillan moved **SJR 18** do pass. Motion carried as follows:
Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moss, Mowbray, Murphy, Priest, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Windy Boy, Mr. President.
Total 41

Nays: Balyeat, Essmann, Hinkle, Moore, Ripley, Walker, Wittich, Zinke.
Total 8

Absent or not voting: None.
Total 0

Excused: Olson.
Total 1

SJR 19 - Senator Caferro moved **SJR 19** do pass. Motion carried as follows:
Yeas: Arthun, Augare, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Mr. President.
Total 37

Nays: Balyeat, Barrett, Essmann, Hinkle, Jackson, Priest, Ripley, Sonju, Vincent, Walker, Wittich, Zinke.
Total 12

Absent or not voting: None.
Total 0

Excused: Olson.
Total 1

SJR 20 - Senator Wittich moved **SJR 20** do pass. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Blewett, Brenden, Brown, Buttrey, Essmann, Facey, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Lake, Lewis, Moss, Mowbray, Murphy, Priest, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tutvedt, Van Dyk, Vincent, Walker, Wanzenried, Williams, Wittich, Mr. President.
Total 33

Nays: Augare, Branae, Caferro, Erickson, Gallus, Gillan, Hamlett, Kaufmann, Keane, Larsen, Moore, Ripley, Tropila, Vuckovich, Windy Boy, Zinke.
Total 16

Absent or not voting: None.
Total 0

Excused: Olson.
Total 1

HB 106 - Senator Jent moved **HB 106** be concurred in. Motion carried as follows:
Yeas: Augare, Balyeat, Blewett, Branae, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus,

Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Mr. President.
Total 40

Nays: Arthun, Barrett, Brenden, Brown, Jones, Priest, Windy Boy, Wittich, Zinke.
Total 9

Absent or not voting: None.
Total 0

Excused: Olson.
Total 1

Senator Essmann moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Peterson in the chair. Chairman Buttrey moved the Committee of the Whole report be adopted. Report adopted as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Wittich, Zinke, Mr. President.
Total 48

Nays: Windy Boy.
Total 1

Absent or not voting: None.
Total 0

Excused: Olson.
Total 1

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 28, **as amended by the House**, passed as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Olson.
Total 1

SB 36, **as amended by the House**, passed as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 48

Nays: Wittich.
Total 1

Absent or not voting: None.
Total 0

Excused: Olson.
Total 1

SB 43, **as amended by the House**, passed as follows:
Yeas: Arthun, Augare, Blewett, Branae, Brenden, Buttrey, Caferro, Facey, Gallus, Gillan, Hamlett, Hawks, Jackson, Jent, Jones, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 34

Nays: Balyeat, Barrett, Brown, Erickson, Essmann, Hinkle, Hutton, Kaufmann, Murphy, Priest, Ripley, Van Dyk, Vincent, Walker, Wittich.
Total 15

Absent or not voting: None.
Total 0

Excused: Olson.
Total 1

SB 52, **as amended by the House**, passed as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro,

Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Priest, Ripley, Shockley, Sonju, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 47

Nays: Steinbeisser, Wittich.
Total 2

Absent or not voting: None.
Total 0

Excused: Olson.
Total 1

SB 120, **as amended by the House**, passed as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Olson.
Total 1

SB 146, **as amended by the House**, passed as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Lewis, Moore, Moss, Mowbray, Murphy, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 47

Nays: Larsen, Van Dyk.
Total 2

Absent or not voting: None.
Total 0

Excused: Olson.
Total 1

SB 222, **as amended by the House**, passed as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 48

Nays: Wittich.
Total 1

Absent or not voting: None.
Total 0

Excused: Olson.
Total 1

SB 307, **as amended by the House**, passed as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Caferro, Essmann, Gallus, Hinkle, Hutton, Jackson, Jones, Keane, Lake, Lewis, Moore, Mowbray, Murphy, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 30

Nays: Augare, Blewett, Branae, Erickson, Facey, Gillan, Hamlett, Hawks, Jent, Kaufmann, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 19

Absent or not voting: None.
Total 0

Excused: Olson.
Total 1

SB 337, **as amended by the House**, passed as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 48

Nays: Wittich.
Total 1

Absent or not voting: None.
Total 0

Excused: Olson.
Total 1

SB 352, **as amended by the House**, passed as follows:
Yeas: Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Larsen, Lewis, Moore, Mowbray, Murphy, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 45

Nays: Arthun, Kaufmann, Moss, Wittich.
Total 4

Absent or not voting: None.
Total 0

Excused: Olson.
Total 1

REPORTS OF STANDING COMMITTEES

FINANCE AND CLAIMS (Lewis, Chairman): 4/4/2011
HB 3, be concurred in. Report adopted.
HB 4, be amended as follows:

1. Page 2.
Following: line 3
Insert: "Help America vote grant part II FY 2011 $350,000 Federal"

2. Page 3.
Following: line 24
Insert: "2011 high intensity drug trafficking areas grant FY 2011 $6,189 Federal"

3. Page 3, line 25.
Following: "the"
Insert: "2010"

4. Page 3.

Following: line 26
Insert: "All remaining fiscal year 2011 federal budget amendment authority for the 2011 high intensity drug trafficking areas grant is authorized to continue into state fiscal year 2013."

5. Page 4.
Following: line 17
Insert: "Multistate demonstration project for preservation of state government digital information FY 2011 $94,899 Federal"

6. Page 4, line 19.
Following: "THE"
Insert: "multistate demonstration project for preservation of state government digital information, the"

7. Page 4.
Following: line 25
Insert: "Montana labor leaders oral history project FY 2011 $6,500 Federal"

8. Page 4, line 26.
Following: "for"
Insert: "the Montana labor leaders oral history project,"

9. Page 4, line 27.
Following: "grant"
Insert: ","

10. Page 4.
Following: line 29
Insert: "Montana's last best barns FY 2011 $4,000 Federal"

11. Page 4, line 30.
Following: "for"
Insert: "Montana's last best barns and"

12. Page 5.
Following: line 2
Insert: "No ordinary time: war, resistance, and the Montana experience FY 2011 $1,500 Federal
Teaching with a primary impact grant FY 2011 $15,000 Federal"

13. Page 5, line 3.
Following: "for"
Insert: "no ordinary time: war, resistance, and the Montana experience, the teaching with a primary impact grant, and"

14. Page 6.
Following: line 26
Insert: "Pilster wetland restoration and enhancement FY 2011 $75,000 Federal"

15. Page 7, line 2.
Following: "FOR"
Insert: "the Pilster wetland restoration and enhancement and"

16. Page 7, line 6.
Following: "watershed,"
Insert: "and"

17. Page 7, line 6 through page 7, line 7.
Following: "Creek" on line 6
Strike: remainder of line 6 through "Creek" on line 7

18. Page 11.
Following: line 16
Insert: "All remaining fiscal year 2011 federal budget amendment authority for the Montana locally grown portion of the specialty crop block grant is authorized to continue into state fiscal year 2012."

19. Page 12, line 26.
Following: "workers grant,"
Strike: "the reemployment and eligibility assessment initiative grant,"

20. Page 12.
Following: line 30
Insert: "All remaining fiscal year 2011 federal budget amendment authority for the reemployment and eligibility assessment initiative grant is authorized to continue into state fiscal year 2013."

21. Page 13.
Following: line 1
Insert: "FY 2011 emergency unemployment compensation FY 2011 $429,353 Federal
FY 2010 emergency unemployment compensation FY 2011 $419,397 Federal"

22. Page 13, line 6.
Following: "grant"
Strike: ","
Insert: "and"

23. Page 13, line 7.
Strike: "grant, and the reemployment and eligibility assistance initiative"

24. Page 13, line 9.
Following: "the"
Insert: "reemployment and eligibility assessment initiative grant, the FY 2010"

25. Page 13, line 10.
Following: the first "grant"
Insert: ","

26. Page 13.
Following: line 11
Insert: "All remaining fiscal year 2011 federal budget amendment authority for the FY 2011 emergency unemployment compensation grant is authorized to continue into federal fiscal year 2013."

27. Page 13.
Following: line 12
Insert: "AmeriCorps planning grant program FY 2011 $27,445 Federal
All remaining fiscal year 2011 federal budget amendment authority for the AmeriCorps planning grant program is authorized to continue into state fiscal year 2012."

28. Page 13.
Following: line 24
Insert: "Management and Disability Services
Sustaining the work of the medicaid infrastructure grant FY 2011 $750,000 Federal
All remaining fiscal year 2011 federal budget amendment authority for sustaining the work of the medicaid infrastructure grant is authorized to continue into state fiscal year 2012.
All remaining fiscal year 2011 federal budget authority authorized by the 61st legislature in section 85, Chapter 489, Laws of 2009, for the vocational rehabilitation grants to states is authorized to continue into state fiscal year 2012."

29. Page 13.
Following: line 25
Insert: "Low-income home energy assistance program FY 2011 $16,311,720 Federal
Supplemental nutrition assistance program FY 2011 $8,843,143 Federal"

30. Page 14, line 2.
Following: "for"
Insert: "the low-income home energy assistance program,"

31. Page 14, line 11.
Following: "for"
Insert: "the supplemental nutrition assistance program,"

32. Page 14.
Following: line 30

Insert: "Preventative health grant for state and community programs on aging FY 2011 $26,220 Federal `
Federal congregate and home-delivered meals grant for state and community programs on aging FY 2011 $812,888 Federal
Ombudsman allotments for vulnerable elder rights protection activities FY 2011 $20,774 Federal
Nutrition services incentive program FY 2011 $194,293 Federal"

33. Page 15, line 1.
Following: "FOR"
Insert: "the preventative health grant for state and community programs on aging, the federal congregate and home-delivered meals grant for state and community programs on aging, the ombudsman allotments for vulnerable elder rights protection activities, the nutrition services incentive program,"`

And, as amended, be concurred in. Report adopted.

HB 7, be amended as follows:

1. Page 4, line 8.
Strike: "$300,000"
Insert: "$400,000"

And, as amended, be concurred in. Report adopted.

HB 15, be concurred in. Report adopted.
HB 230, be amended as follows:

1. Page 1, line 19.
Following: "2-15-121"
Insert: ", except that the provisions of 2-15-121(1)(b), (2)(a), (2)(b), (2)(c), and (2)(d) do not apply"

2. Page 1, line 20.
Strike: "HOWEVER, THE"
Insert: "The"
Strike: "HIRE ITS OWN PERSONNEL, AND 2-15-121(2)(D) DOES NOT APPLY"
Insert: ":
(a) direct and supervise the budgeting, recordkeeping, reporting, and related administrative and clerical functions of the board;
(b) prepare and present its own budgetary requests to the legislature and the governor in accordance with 17-7-111;
(c) collect all revenue for the board and deposit it in the proper fund or account. The board may not use or divert the revenue from the fund or account for purposes other than provided by law.

(d) provide staff for the board"

And, as amended, be concurred in. Report adopted.

FINANCE AND CLAIMS (Lewis, Chairman): 5/2/2011
HB 262, be amended as follows:

1. Page 1, line 15.
Following: "5."
Insert: "This is a one-time-only appropriation for the biennium beginning July 1, 2011."

And, as amended, be concurred in. Report adopted.

SPECIAL ORDERS OF THE DAY

Senator Brown introduced the Senate pages for the week of April 4-9, 2011.

MOTIONS

Senator Jent moved to change his vote on **SB 307** from Yes to No. Without objection, so ordered.

Senator Hamlett moved to change his vote on **SB 307** from Yes to No. Without objection, so ordered.

Senator Priest moved to change his vote on **SB 43** from Yes to No. Without objection, so ordered.

SPECIAL ORDERS OF THE DAY

The following memorials were read at the Legislative Memorial Service held on Sunday, April 3, 2011. They are noted here in remembrance of past legislators who have served in the Montana Senate and House of Representatives:

PAUL BANKHEAD

WHEREAS, it is with deep and sincere sorrow that the members of the Sixty-second Legislative Assembly of the State of Montana record the passing of Paul Bankhead on November 12, 2010 in Heron, Montana.

WHEREAS, it is fitting and proper that the record and accomplishments of the late Paul Bankhead be filed on the official records of this Assembly and the following facts relative to his career are hereby noted:

Paul was born July 19, 1950 to Armand and Evelyn Bankhead in Livermore, California and was

raised on a family ranch. In 1966 the family moved to Riverbank, California. He graduated from Riverbank High School in 1967. He was active in Future Farmers of America (FFA). The most famous motion Paul made during his FFA career was to allow girls to be members.

In 1971, Paul moved to Sandpoint, Idaho, where he started a sheep ranch. He returned to Riverbank, California, and married Joyce Morisoli. In 1982 the family moved to Heron, Montana, where they began their hog ranch. He won the National Park All-American award in 1989 for the state of Montana.

Paul served on the Heron School Board, Sanders County Fair Board, Pork Producers Board, Board of Housing and the Sanders County Republican Party. He decided to run for public office, saying "In order to make a difference you have to get involved." He was elected to the Montana House of Representatives in 1996. Paul loved serving the people of Montana and spending time with his family. He was an author, inventor, wildland firefighter and trucker.

He is survived by his wife, five children and two grandchildren.

JOSEPH BRYANT REBER

WHEREAS, it is with deep and sincere sorrow that the members of the Sixty-second Legislative Assembly of the State of Montana record the passing of Joseph Bryant Reber on July 23, 2010 in Missoula, Montana.

WHEREAS, it is fitting and proper that the record and accomplishments of the late Joseph Bryant Reber be filed on the official records of this Assembly and the following facts relative to his career are hereby noted:

Joe was born on February 17, 1919 in Butte to Edward and Mary (Rooney) Reber. He attended schools in Butte, leaving school at 15 to take his father's job at the Works Progress Administration. He held several jobs around Butte, and in 1942 he moved his family to San Francisco where he worked in the shipyards. Anxious to serve his country, he joined the US Maritime Service, ending his service time in the U.S. Coast Guard in 1945.

Joe had four passions in his life: his family, his work as a plumber, politics and public service. In 1968 he was appointed to the State Senate from Helena. His proudest achievement was carrying the bill that created the Montana vo-tech system.

Joe, who served as a national Democrat committeeman, was instrumental in gaining the needed votes to nominate John F. Kennedy for the presidency. During his political career he met Presidents Truman, Eisenhower, Kennedy, Johnson, Nixon, Carter, Reagan, Bush and Clinton.

He is survived by his family: Joseph of Marina Del Ray, California, Bobbie Corette of Bigfork, Dianna Riley of Missoula, Bryant of Boulder, Colorado, Susie of Missoula; fourteen grandchildren and twelve great-grandchildren.

JOHN LEE DELANO

WHEREAS, it is with deep and sincere sorrow that the members of the Sixty-second Legislative Assembly of the State of Montana record the passing of John Lee Delano on November 24, 2010 in Helena, Montana.

WHEREAS, it is fitting and proper that the record and accomplishments of the late John Lee Delano be filed on the official records of this Assembly and the following facts relative to his career are hereby noted:

John Delano was born to Jack Henry and Helen Delano on November 20,1921 in Billings, Montana. He graduated from Billings High School in 1939 and enrolled in the University of Montana and received a degree in business in 1947. John enlisted as a Private in the U.S. Army at the outbreak of WW II and served five years. He resigned as a Captain.

In 1949 he married Katy Lou Shallenberger. In 1956 they moved to Helena and he became state sales manager and public relations director for Blue Shield, beginning his long career as a lobbyist and legislator. He served four terms as a State Representative from Helena during the 1960's.

John was hired as director of the Montana Railroad Association in 1971 and was with them until 1986. He formed his own lobbying and consulting firm in 1987. As a lobbyist, John helped lobby for the passage of Montana's seat belt law.

He was a member of Jaycees, Helena Kiwanis and was a Mason. John also served on St. Peter's Hospital Board, Western Montana Boy Scout Council, and was a state champion trapshooter.

John is survived by his daughters, Marcia Barfknecht of Helena, Joni Hantz of Colstrip and four grandsons.

JOHN H. ANDERSON JR.

WHEREAS, it is with deep and sincere sorrow that the members of the Sixty-second Legislative Assembly of the State of Montana record the passing of John H. Anderson Jr. on August 24, 2009, in Sheridan, Montana.

WHEREAS, it is fitting and proper that the record and accomplishments of the late John H. Anderson Jr. be filed on the official records of this Assembly and the following facts relative to his career are hereby noted:

John was born July 9, 1916 in Dillon to John and Egidia Anderson, both immigrants from Denmark. He was the oldest of four children. John graduated from Virginia City High School in 1934 and attended two years at Montana State College before becoming associated with his

father on the family ranch. In 1943 he leased the ranch and livestock from his father. In 1948 John married Estella Hansen and they built their home on the lower Larabie Ranch in Alder, which became the headquarters for the family ranching operation.

John served two terms in the House of Representatives and two terms in the Senate. He represented Madison and Beaverhead counties at the Constitutional Convention of 1972.

He was a member of the Elks, the Masons, Shriners, and Danish Brotherhood. He served as a member of the Alder and Sheridan High School Boards. He also served on the Montana Woolgrowers, Montana Stockgrowers, National Cattlemen's Association, Montana Public Lands Council, Advisory Board for Grazing on BLM lands, Committee of Montana Citizens for Court Improvement.

He is survived by his children; John, Jim and Jean Bluett of Alder and Joan Eliel of Townsend and numerous grandchildren and great-grandchildren.

JOHN H. JOHNSON

WHEREAS, it is with deep and sincere sorrow that the members of the Sixty-second Legislative Assembly of the State of Montana record the passing of John H. Johnson on January 21, 2010 in Glendive, Montana.

WHEREAS, it is fitting and proper that the record and accomplishments of the late John H. Johnson be filed on the official records of this Assembly and the following facts relative to his career are hereby noted:

John was born on December 20, 1922 in Fargo, N.D. to John J. and Olga (Herberg) Johnson. He was raised and educated in Halstad, Minnesota, graduating from Halstad High School in 1940. He attended Interstate Business College in Fargo.

An opportunity arose to work for the Federal Bureau of Investigation as a fingerprint classifier so John moved to Washington, D.C. He entered the United States Air Corp in 1943 and while he was serving he became a member of the post orchestra. The orchestra opened for Glenn Miller in Belfast, Ireland. Following his discharge, John enrolled at Moorhead State Teachers College. It was while he was here that he met and married his wife, Donna Harris. In 1953 they moved to Glendive where they taught in the school system until 1960, when he became the principal of Dawson County High School.

In 1988 John was elected to the House of Representatives and served 12 years.

John is survived by his children, Michael of Federal Way, Washington, Steven of Missoula, Randi Mayer of Ada, Oklahoma and Glynis Johnson of Sheridan, Wyoming; two grandchildren and seven great-grandchildren.

JOHN PATRICK "SANDY" MEHRENS

WHEREAS, it is with deep and sincere sorrow that the members of the Sixty-second Legislative Assembly of the State of Montana record the passing of John Patrick Mehrens on June 9, 2010 in Helena, Montana.

WHEREAS, it is fitting and proper that the record and accomplishments of the late John Patrick Mehrens be filed on the official records of this Assembly and the following facts relative to his career are hereby noted:

Sandy Mehrens was born in Anaconda on September 22, 1926 to Flossie and Amos Mehrens. He attended St. Peter's Grade and High Schools. In high school he was a stellar athlete, excelling in football and basketball.

He wanted to join the paratroopers when World War II broke out, but he was turned down due to impaired feet. Sandy joined the Army and marched all over Europe. His final Army experience was in the Battle of the Bulge.

Sandy attended Carroll College for a time after the war and then went to work for the City of Anaconda. He married Helen Torgerson in Anaconda and many years later married Elaine Tescher. He became a fireman for the City of Anaconda, retiring as an assistant fire chief after 20 years of service.

In 1961 Sandy began serving four terms in the Montana House of Representatives, and then two terms in the Senate. As a politician, he was always upfront and working for the common people. After his political career, he was appointed by Governor Tom Judge as Head of Security for the Capitol Complex in Helena.

Sandy is survived by his children, Pat, Bob, Judie, Kim and Tim, twelve grandchildren and six great-grandchildren.

LAWRENCE DEAN SWITZER

WHEREAS, it is with deep and sincere sorrow that the members of the Sixty-second Legislative Assembly of the State of Montana record the passing of Lawrence Dean Switzer on May 20, 2009 in Circle, Montana.

WHEREAS, it is fitting and proper that the record and accomplishments of the late Lawrence Dean Switzer be filed on the official records of this Assembly and the following facts relative to his career are hereby noted:

Dean was born in 1918 in Bloomfield, Nebraska to Esther Waugh Switzer and Wayne Joseph Switzer. He grew up in Sheridan, Wyoming on a dairy farm, and graduated from Sheridan High School.

He worked on the home ranch and in 1947 he and his brother, Bob, bought the Switzer Brothers Ranch between Circle and Richey. He married Patricia Wickens in 1949 and at the time of his death they had been married 59 years.

Dean served on state boards for the Montana Beef Council, Montana Farm Bureau and the Montana Stockgrowers. He served four terms in the Montana House of Representatives (1981 to 1989). He was also the director of Mid-Rivers Telephone Co-op for several years.

He loved ranching and all that went with it: rodeos, calf roping, cattle and horses and was a 4-H leader.

Dean is survived by his wife, Pat, of the family ranch; children, Deanna Brost of Brockway, Eileen Solberg of Billings and Larry of the family ranch; nine grandchildren and one great grandchild.

LORAN CASEY

WHEREAS, it is with deep and sincere sorrow that the members of the Sixty-second Legislative Assembly of the State of Montana record the passing of Loran Casey on April 29, 2009, in Sidney, Montana.

WHEREAS, it is fitting and proper that the record and accomplishments of the late Loran Casey be filed on the official records of this Assembly and the following facts relative to his career are hereby noted:

Loran was one of five children born to Harry and Lily (Torgerson) Casey and lived his early years in Bainville, moving to Wolf Point while he was in high school. He played both football and basketball in high school and for Montana State University.

In 1950 Loran married Bernette (Stiff) and they adopted four children. Loran joined his father in Casey Livestock Inc. In 1969 he and his brother, Denny, purchased Sidney Livestock Market Center and the family moved to Sidney.

Loran was active in the Chamber of Commerce, Junior Chamber of Commerce, Knights of Columbus, Elks Lodge, American Legion, Montana Auction Markets Association and Livestock Marketing Association. He also served on the Wolf Point City Council, and in 1962 was elected to represent Roosevelt County in the Montana State House of Representatives. He was elected three times, serving his last term in early 1969.

He is survived by his wife Bernette, son Marty of Sidney, daughters, Debbie Vine of Wolf Point and DeeAnn Johnson of Sidney, six grandchildren and six great-grandchildren.

MELVIN UNDERDAL

WHEREAS, it is with deep and sincere sorrow that the members of the Sixty-second Legislative Assembly of the State of Montana record the passing of Melvin Underdal on October 17, 2010 in Shelby, Montana.

WHEREAS, it is fitting and proper that the record and accomplishments of the late Melvin Underdal be filed on the official records of this Assembly and the following facts relative to his career are hereby noted:

Melvin was born in 1912 in Conrad to Peder and Ingeborg (Tufte) Underdal. He grew up on the family homestead in the Prospect community. He worked on the farm at an early age, driving horses, riding horses and herding cattle. In 1928 his father bought a John Deere tractor, introducing Melvin to a progression of more efficient farming methods.

He graduated from Lutheran Bible School in Grand Forks, N. D., graduating as salutatorian in 1931. He attended MSU and the Dunwoody Institute in Minneapolis. He married Clara Vettrus in 1941 and they lived on the family farm in Wisconsin. In 1947 they bought a ranch southeast of Shelby where they ranched the next 45 years.

In 1974 Melvin was asked to run for the State Legislature as a Republican. He served five terms, finishing in 1984.

After Clara's death, Melvin returned to Montana where he met and married Sigrid Barnes. They were married 11 years.

Melvin is survived by his wife; children, Carol Folden of Fergus Falls, Minnesota, Paul of Yakima, Washington, and Allan of Shelby; and 10 grandchildren.

MARVIN KERMIT DANIELS

WHEREAS, it is with deep and sincere sorrow that the members of the Sixty-second Legislative Assembly of the State of Montana record the passing of Marvin Kermit Daniels on August 5, 2009 in Bigfork, Montana.

WHEREAS, it is fitting and proper that the record and accomplishments of the late Marvin Kermit Daniels be filed on the official records of this Assembly and the following facts relative to his career are hereby noted:

Kermit was born November 28, 1915 in Deer Lodge to Joseph and Myrtle Daniels. He attended public school in Great Falls and completed his undergraduate work at Montana State University and then law school at the University of Montana.

He was a U. S. Navy veteran of World War II and the Korean conflict. Kermit met and married Judy Wilson. He started a law practice in Deer Lodge and was Powell County Attorney, then City Attorney for Deer Lodge for many years.

Kermit served as a Representative in the Montana State Legislature from 1955 until 1961 and then as a Senator in 1983. He represented Powell County.

He is survived by his son Robert of Parker, Colorado; daughters Margaret Altenbrun of Missoula and Nancy Kelley of Deer Lodge; and eight grandchildren.

PAUL BANKHEAD

WHEREAS, it is with deep and sincere sorrow that the members of the Sixty-second Legislative Assembly of the State of Montana record the passing of Paul Bankhead on November 12, 2010 in Heron, Montana.

WHEREAS, it is fitting and proper that the record and accomplishments of the late Paul Bankhead be filed on the official records of this Assembly and the following facts relative to his career are hereby noted:

Paul was born July 19, 1950 to Armand and Evelyn Bankhead in Livermore, California and was raised on a family ranch. In 1966 the family moved to Riverbank, California. He graduated from Riverbank High School in 1967. He was active in Future Farmers of America (FFA). The most famous motion Paul made during his FFA career was to allow girls to be members.

In 1971, Paul moved to Sandpoint, Idaho, where he started a sheep ranch. He returned to Riverbank, California, and married Joyce Morisoli. In 1982 the family moved to Heron, Montana, where they began their hog ranch. He won the National Park All-American award in 1989 for the state of Montana.

Paul served on the Heron School Board, Sanders County Fair Board, Pork Producers Board, Board of Housing and the Sanders County Republican Party. He decided to run for public office, saying "In order to make a difference you have to get involved." He was elected to the Montana House of Representatives in 1996. Paul loved serving the people of Montana and spending time with his family. He was an author, inventor, wildland firefighter and trucker.

He is survived by his wife, five children and two grandchildren.

RAY LYBECK

WHEREAS, it is with deep and sincere sorrow that the members of the Sixty-second Legislative Assembly of the State of Montana record the passing of Ray Lybeck on December 4, 2009 in Columbia Falls, Montana.

WHEREAS, it is fitting and proper that the record and accomplishments of the late Ray Lybeck be filed on the official records of this Assembly and the following facts relative to his career are hereby noted:

Ray was born to Karen (Koll) and Hans Lybeck on August 12, 1926 on the family homestead east of the Sweet Grass Hills. He attended school at Laird School near Chester and also spent a year at Mount Ellis Academy in Bozeman.

He joined the U.S. Army in 1943 as a paratrooper. When the war ended, he attended welding school in Oregon. In addition to farming, he worked on the construction of Hungry Horse Dam. In 1951 he married Cleona McClelland and they started a dairy in 1952. He retired from dairy farming in 1999.

Ray served on the Helena Flats School Board for fourteen years, was a trustee for the Yellowstone Boys and Girls Ranch, a member of the State of Montana Prison Board and served on the board of the Montana Veterans Home, United Way, Red Cross and Kalispell City-County Planning Board. He was also a member of the Montana Dairymen's Association and past president of the Western Dairy Conference. In 1981 Ray was elected to serve as a Representative in the State Legislature, where he served for a term that was followed by two terms as a State Senator.

He is survived by his wife Cleona (Tommy), sons Dan and Duane and daughter Monica, and eleven grandchildren.

ROBERT E. LEE

WHEREAS, it is with deep and sincere sorrow that the members of the Sixty-second Legislative Assembly of the State of Montana record the passing of Robert E. Lee on April 29, 2010 in Waldorf, Maryland.

WHEREAS, it is fitting and proper that the record and accomplishments of the late Robert E. Lee be filed on the official records of this Assembly and the following facts relative to his career are hereby noted:

Bob Lee was born September 27, 1927 in Butte to Mary and Jerry Lee. He graduated from Boys Central in 1945 and immediately joined the U. S. Navy, serving three years. Bob worked for Butte Transfer and Storage and then became an apprentice electrician with the Mountain Bell Telephone Co., where he worked for 37 years. He married Jewell Ann Gronley in 1951.

He was a proud member of the International Brotherhood of Electrical Workers, Local 65. For 10 years, Bob served in the Montana Legislature as a representative and senator from Butte. He helped secure significant funding for the infrastructure growth of Montana Tech. He was a member of the Ancient Order of the Hibernians.

He is survived by his loving wife of 58 years; children, Sandra Lee Owen of Polson, Jack Lee of San Dimas, California, Terry Lee of Kalispell, Robin Lee Bovard of Waldorf, Maryland and Bobby Lee of Spokane, Washington; fifteen grandchildren and one great-grandaughter.

WALLACE O. FORSGREN

WHEREAS, it is with deep and sincere sorrow that the members of the Sixty-second Legislative Assembly of the State of Montana record the passing of Wallace O. Forsgren on November 15, 1999 in Bozeman, Montana.

WHEREAS, it is fitting and proper that the record and accomplishments of the late Wallace O. Forsgren be filed on the official records of this Assembly and the following facts relative to his career are hereby noted:

Wallace was born in 1907 in White Earth, North Dakota to John W. and Clara (Amundson) Forsgren. The family moved to Dillon in 1912, where he attended elementary, high school and college.

He was a teacher and public school administrator in Twin Bridges, Livingston, Shelby and Bozeman. Wallace was the director of instruction and elementary coordinator for the Bozeman school system for six years. He was also an active member of the Montana Education Association, and was president from 1964 to 1966. Wallace was a member of the American Association of School Administrators study group in 1965 and did an evaluation and comparison of schools in Czechoslovakia, the Soviet Union and Poland. From 1967 to 1970 Wallace served as a director of the National Education Association.

Wallace served in the Montana House of Representatives from 1973 to 1974 and was a lifetime member of Gallatin Lodge No. 6. His favorite community interests were the Worthy Student Scholarship Fund, Community Concert Board, Friends of Music and the Bozeman Public Schools.

He is survived by his daughters; Kathleen Castric of Pittsburgh, Pennsylvania, Karen Larsen of San Antonio, Texas, six grandchildren and eleven great-grandchildren.

WARD "JIM" H. BELEY

WHEREAS, it is with deep and sincere sorrow that the members of the Sixty-second Legislative Assembly of the State of Montana record the passing of Ward "Jim" Beley on September 10, 2009 in Harlowton, Montana.

WHEREAS, it is fitting and proper that the record and accomplishments of the late Jim Beley be filed on the official records of this Assembly and the following facts relative to his career are hereby noted:

Jim was born October of 1921 to Ward and Jenney Beley. He was one of six children. He attended school in Harlowton.

He was a proud veteran of World War II, the Pacific Theater. Returning to the states, he continued service in the Montana National Guard until he retired as a Major.

Jim opened Beley's Motor Service where he sold Allis Chalmers Tractors until 1969, when he opened Beley & Johnson Ford and later Beley Ford.

During Jim's lifetime in Harlowton, he belonged to the American Legion, serving as commander; commander of Veterans of Foreign Wars; member of the Harlowton Chamber of Commerce and the Wheatland County Planning Board. He also served on the Harlowton Kiwanis, was a member of the Federated Church and was Fire Chief of Wheatland County Fire Department for 27 years. Jim was instrumental in bringing the Emergency Medical Service and the first ambulance to Wheatland County. He served in the State Senate from 1957 to 1965.

Jim is survived by his wife, Theo, of 52 years; his children, Susan, Rochelle and Ward, three grandchildren, and three great-grandchildren.

HUBERT ABRAMS

WHEREAS, it is with deep and sincere sorrow that the members of the Sixty-second Legislative Assembly of the State of Montana record the passing of Hubert Abrams in 2009, in Billings, Montana.

WHEREAS, it is fitting and proper that the record and accomplishments of the late Hubert Abrams be filed on the official records of this Assembly and the following facts relative to his career are hereby noted:

Hubert was born May 8, 1925, in Carlyle/Ollie, Montana to Charles and Olive Abrams. He graduated from Ollie High School and later entered the United States Navy, serving honorably during World War II.

Hubert married Viola Hout in November of 1947 and they remained on the family farm where they raised their four children. His passions were the farm and his children.

Hubert represented the people of Eastern Montana as a Representative and Senator until he was forced to retire due to illness. He served on various school, agriculture and bank boards. Because of his health, Hubert and Vi moved to Billings to "retire" but he spent the next 15 years as a handyman/manager of apartments.

He is survived by his wife of 62 years, Viola; two sons, Alan of Littleton, Colorado, and Scott of Wibaux; two daughters, Pat Emerson and Annette Efta of Billings; seven grandchildren and three great-grandchildren.

Hubert was a true gentleman and was well respected and loved by everyone whose lives he touched. He made a difference in many people's lives and will be truly missed.

A.L. AINSWORTH

WHEREAS, it is with deep and sincere sorrow that the members of the Sixty-second Legislative Assembly of the State of Montana record the passing of A. L. "Bud" Ainsworth on March 29, 2000 in Missoula, Montana.

WHEREAS, it is fitting and proper that the record and accomplishments of the late A. L. Ainsworth be filed on the official records of this Assembly and the following facts relative to his career are hereby noted:

Bud was born November 20, 1904 in Webster City, Iowa to A. S. and Mabel Ainsworth. They relocated to Thompson Falls where his father established a new law practice. Bud attended schools in Thompson Falls and then studied at Stanford University for two years, transferring to the University of Montana where he graduated with a degree in history in 1927. He married Alice Katherine Spence in 1928.

Bud and Alice owned the Hotel Thompson, renaming it the Black Bear Hotel which they operated for several years. During the Depression, they helped set up an area Federal Transient Service which was a hostel to provide temporary housing and meals for itinerant men. This led to establishing a larger FTS camp in Helena. They moved to Missoula in 1937 and established the A & C Drug Store and operated it until 1962.

He served eight years in the Montana House of Representatives, was a member of the Missoula City-County Library Board, enjoyed fly fishing and carpentry work.

Bud is survived by a daughter, Ann Behan of Lopez Island, Washington, son Dick Ainsworth of Missoula, five grandchildren, and seven great grandchildren.

ARTHUR E. LUND

WHEREAS, it is with deep and sincere sorrow that the members of the Sixty-second Legislative Assembly of the State of Montana record the passing of Arthur E. Lund on July 5, 2009, in Scobey, Montana.

WHEREAS, it is fitting and proper that the record and accomplishments of the late Arthur E. Lund be filed on the official records of this Assembly and the following facts relative to his career are hereby noted:

Art was born July 28, 1920, at the homestead of Eddie Nicoli and Anna Grimson Lund in the Silver Star community south of Scobey, Montana. He attended Lekvold Country School and High School in 1938. He attended the University of North Dakota, Grand Forks, and then Concordia College, graduating with a degree in education in 1942. He began his

teaching/coaching career in Flaxville and received a master's degree from the University of Montana, Missoula.

In 1944 Art joined the Navy, and was in Tokyo Bay when the Japanese emperor signed the surrender treaty. He married Cleo Fladager in 1946 and taught in Medicine Lake and Bainville. In 1953 he returned to Scobey to teach and ranch. He was an active member of the Sons of Norway.

Art was an active member of the Republican Party, and served in the Montana State House of Representatives from 1963 to 1980. Art was appointed as the Montana State Director for the Farm Home Administration in Bozeman.

He is survived by his wife of 63 years, daughter Barbee Lund of Bozeman; two sons, Mikel of Scobey and John of Columbia Falls. He is also survived by three grandsons and two great-granddaughters.

ROBERT G. HOCKETT

WHEREAS, it is with deep and sincere sorrow that the members of the Sixty-second Legislative Assembly of the State of Montana record the passing of Robert G. Hockett on May 7, 2009 in Havre, Montana.

WHEREAS, it is fitting and proper that the record and accomplishments of the late Robert G. Hockett be filed on the official records of this Assembly and the following facts relative to his career are hereby noted:

Bob was born to George Albert Hockett and Sophia Heglund Hockett on the family homestead, on September 12, 1925. He attended a one-room school near the farm until high school, graduating from Havre High School in 1943.

He worked for the Great Northern Railroad for one year before being drafted into the Army. When he returned, he attended college at MSU in Bozeman, graduating with a degree in agriculture education. He then worked for the Soil Conservation Service, as a surveyor for Hill County, and a long teaching career at Northern Montana College. Bob taught mathematics, auto and diesel mechanics and welding. In 1967 he earned his master's degree in industrial arts at Oregon State University. During all of these years, he still continued farming full time.

He was a State Senator from 1991 to 1994. Bob was also active in many organizations and boards, including Farmers Grain Exchange, Soil and Water Conservation and Northern Montana Hospital and was named Ag Leader of the Year in 2003.

Bob is survived by his wife, Jessie Hockett; his children, Melanie Ruby of Helena, Lorrie Hockett of Havre, Jeffry Hockett of Havre, Kathie Kadri of Billings and Sherrie Hockett of Sunnyside, Washington; and five grandchildren.

BARBARA BENNETTS

WHEREAS, it is with deep and sincere sorrow that the members of the Sixty-second Legislative Assembly of the State of Montana record the passing of Barbara Bennetts on September 30, 2010 in Elmo, Montana.

WHEREAS, it is fitting and proper that the record and accomplishments of the late Barbara Bennetts be filed on the official records of this Assembly and the following facts relative to her career are hereby noted:

Barbara was born in Glendive in 1942 to Catherine and Clarence Hay. She spent most of her life in Missoula, Helena and the Flathead Valley. She graduated from Missoula schools, including the University of Montana.

She was successful in five different careers, including secretary, state legislator in 1973, fire lookout, real estate broker, federal employee and Mom. She lobbied for women's rights, the environment, Montana's wild places and animals, and the underserved. Barbara also worked for newsman Chet Huntley as executive secretary in the formative years of Big Sky.

Barbara enjoyed the outdoors and enjoyed skiing, backpacking, canoeing, camping, bears and wolves. She also nurtured her organic garden in Elmo. She embarked on a five-day hike a few weeks before her death.

She is survived by her daughters, Donnie Bennetts-Moul of Santa Monica, California, and Stacey Bennetts of Seattle; her mother Catherine Hay, and four grandchildren.

CARL A. SEIFERT

WHEREAS, it is with deep and sincere sorrow that the members of the Sixty-second Legislative Assembly of the State of Montana record the passing of Carl A. Seifert on October in Polson, Montana.

WHEREAS, it is fitting and proper that the record and accomplishments of the late Carl A. Seifert be filed on the official records of this Assembly and the following facts relative to his career are hereby noted:

Carl was born to Albert H. and Betty Seifert on July 2, 1938. He was raised on a combination farm and cattle ranch in Eli Gap and Reservoir Valley. He attended grade school in Reservoir Valley and graduated from Polson High School. In 1955 he married Peggy Long. They ran a Union Oil service station and later purchased a farm/ranch northwest of Polson. Carl raised hay, grain and cattle, had the Polson Ready Mix and later became a realtor.

In 1972, Carl was elected to the Montana State Representative from Lake County and served until 1984. He sponsored a house resolution to fund a study of the Flathead Lake region, resulting in the creation of the Flathead Basin Commission. He had a wonderful baritone

singing voice and was asked to sing at the service held at the State Capitol honoring legislators who had passed away.

Carl was active in the Masons, Elks and served seven years in the Montana National Guard.

He is survived by his wife Peggy; children Ilene Hamilton of Bothell, Washington, Keith of Glendive, Noreen Jackson of Polson and Scott Seifert of Missoula; thirteen grandchildren, and six great-grandchildren.

CHARLES RICHARD DEVANEY

WHEREAS, it is with deep and sincere sorrow that the members of the Sixty-second Legislative Assembly of the State of Montana record the passing of Charles Richard Devaney on November 15, 2010 in Great Falls, Montana.

WHEREAS, it is fitting and proper that the record and accomplishments of the late Charles Richard Devaney be filed on the official records of this Assembly and the following facts relative to his career are hereby noted:

Charles was born in Glenns Ferry, Idaho on November 16, 1939 to Helen Devaney. He graduated from high school in Glenns Ferry and graduated from the University of Idaho in Moscow with a degree in business and economics.

He served as a captain in the U.S. Army and after he left the Army he moved to Kalispell, where he married Beverly Johnson. In 1974 they moved to Plentywood where he worked in the oilfield and in banking.

In 1995, Charles was elected to the House of Representatives and served two terms. He was also a member of the Plentywood City Council, serving as Mayor from 1992 to 1995. He was employed at the Bank of Harlem at the time of his death.

Charles is survived by his wife of Harlem, his sons, Charles of Honolulu, Hawaii, Kris of Laurel, daughter, Denise of Harlem, his mother, Helen Farris of Boise, Idaho and four grandchildren.

HOWARD L. ELLIS

WHEREAS, it is with deep and sincere sorrow that the members of the Sixty-second Legislative Assembly of the State of Montana record the passing of Howard L. Ellis on December 12, 2009 in Helena, Montana.

WHEREAS, it is fitting and proper that the record and accomplishments of the late Howard L. Ellis be filed on the official records of this Assembly and the following facts relative to his career are hereby noted:

Howard was born November 26, 1921 to Etta (Bowman) and Hollie Ellis in Kalispell. They moved to Great Falls where Howard graduated from Great Falls High School and worked in the family store, Ellis Meats and Groceries.

He served as a turret gunner during WWII with the Army Air Force. After the war, he returned to Helena, where he met and married Helen Robbins Disbrow in 1946. They spent 63 years together. Howard joined his in-laws in the family grocery business in Milltown.

Howard was very involved in the community. He belonged to the Hellgate Lions Club and the Piltzville Fire Station. In 1980 they moved to Helena where he was involved in the Helena Kiwanis.

He was chairman of the Missoula County Republican Central Committee and served three terms in the Montana House of Representatives, where he was an influential member of the House Appropriations Committee. In 1980 he became a state Public Service Commissioner and served 12 years, including a term as chairman.

He is survived by his wife, Helen; and children, Kathryn Ellis, Margaret Hult, Herbert Ellis, Kris Ellis and Rosalie Sladek, ten grandchildren and two great-grandchildren.

HUGH F. McNAMER

WHEREAS, it is with deep and sincere sorrow that the members of the Sixty-second Legislative Assembly of the State of Montana record the passing of Hugh F. McNamer on March 13, 2011, in Missoula, Montana.

WHEREAS, it is fitting and proper that the record and accomplishments of the late Hugh F. McNamer be filed on the official records of this Assembly and the following facts relative to his career are hereby noted:

Hugh was born on November 9, 1918 in Cut Bank to Bruce and Lucie McNamer. He attended schools in Shelby, enrolled at the University of Montana, and studied at the University of Mexico before serving in the Army Air Force during World War II. As a B29 pilot, he flew 33 missions to Japan from the U. S. Base in Saipan.

After being discharged, Hugh flew for Western Airlines and completed his degree in economics in 1946. In 1949 he married Patricia Owen of Great Falls. The family lived in Conrad and Cut Bank and Hugh operated E-Line Acid Company. He also owned and operated cattle ranches in Montana and Oregon as well as the Marico Real Estate Company in La Grande, Oregon until 1990. The McNamers returned to Montana and Hugh was an independent real estate appraiser in Bozeman and Helena.

Hugh served in the Montana State House of Representatives in 1971.

He is survived by his wife of 61 years; daughters, Deirdre McNamer, Kate Gadbow, Megan McNamer of Missoula; son, Hugh of Spokane, Washington and four grandchildren.

JAMES "JIM" SHAW

WHEREAS, it is with deep and sincere sorrow that the members of the Sixty-second Legislative Assembly of the State of Montana record the passing of James "Jim" Shaw on November 12, 2010 in Miles City, Montana.

WHEREAS, it is fitting and proper that the record and accomplishments of the late James Shaw be filed on the official records of this Assembly and the following facts relative to his career are hereby noted:

Jim was born to Paul and Alta Shaw on July 14, 1925 in Cody, Wyoming.

He was drafted into the United States Army in 1944 and served in the Army Infantry in World War II and fought in the Battle of the Bulge where he earned the Purple Heart.

Jim was a rancher at Hodges, in Eastern Montana. He was an accomplished pilot and loved flying.

He served in the Montana State Senate in 1963, 1965, 1983 and 1985 two terms in the Legislature as a Republican. Jim was also with the Farm Bureau Organization and was on the Board of Farm Bureau Insurance. He was also a member of the Masons and the Shriners.

He is survived by two sons, John of Rye, Colorado and Theodore of Roundup, two stepsons, Andrew Spurlock of Baldwin City, Kansas and Joel Spurlock of Conifer, Colorado and five grandchildren.

ROBERT F. PAYNE

WHEREAS, it is with deep and sincere sorrow that the members of the Sixty-second Legislative Assembly of the State of Montana record the passing of Robert F. Payne on April 4, 2009 in Missoula, Montana.

WHEREAS, it is fitting and proper that the record and accomplishments of the late Robert F. Payne be filed on the official records of this Assembly and the following facts relative to his career are hereby noted:

Bob was born on July 21, 1928 in Bozeman to Edith and Forrest Payne. He was raised in Clyde Park and attended high school in Wilsall. He worked on cattle ranches in that area; and, at 17, he enlisted in the Marine Corps. When he returned home in 1947 he married Irene Swandal.

He worked at numerous lumber companies around Montana before going into real estate in Western Montana. He and Irene managed Payne and Associates, a real estate appraisal business, until he retired at age 72.

In 1969 Bob was elected to the Montana State Legislature where he served until 1972. He was a longtime member of the Elks Club.

Bob was widely known throughout Missoula for his kind, gentle, and loving heart. He loved a lot of things in life, but he loved nothing more than to make people smile.

He is survived by his wife of 61 years; sons Larry of Spokane, Washington, Jim of Spokane, daughter, Janis Thompson of Coeur D'Alene, Idaho, seven grandchildren and seven great-grandchildren.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Essmann moved that the Senate adjourn until 1:00 p.m., Tuesday, April 5, 2011. Motion carried.

Senate adjourned at 2:27 p.m.

MARILYN MILLER
Secretary of the Senate

JIM PETERSON
President of the Senate

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SENATE JOURNAL
62ND LEGISLATURE
SEVENTY-SIXTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
April 5, 2011 — State Capitol

Senate convened at 1:00 p.m. President Peterson presiding. Invocation by Chaplain Keith Johnson. Pledge of Allegiance to the Flag. Roll Call. All members present, except Senator Olson, excused. Quorum present.

BILLS AND JOURNALS: 4/5/2011

Correctly printed: **SJR 18**, **SJR 19**, **SJR 20**, **HB 3**, **HB 15**, **HB 106**.
Correctly engrossed: **HB 7**, **HB 230**, **HB 262**.
Correctly enrolled: **SB 9**, **SB 89**, **SB 140**, **SB 160**, **SB 179**, **SB 180**, **SB 183**, **SB 184**, **SB 194**, **SB 206**, **SB 213**, **SB 223**, **SB 228**, **SB 229**, **SB 236**, **SB 246**, **SB 248**, **SB 254**, **SB 275**, **SB 280**, **SB 285**, **SB 286**, **SB 287**, **SB 290**, **SB 297**, **SB 304**, **SB 306**, **SB 320**, **SB 324**, **SB 355**, **SB 366**, **SB 370**, **SB 374**, **SJR 6**, **SJR 7**, **SJR 12**, **SJR 14**.
Examined by the sponsor and found to be correct: **SB 9**, **SB 89**, **SB 140**, **SB 160**, **SB 179**, **SB 180**, **SB 183**, **SB 184**, **SB 194**, **SB 206**, **SB 213**, **SB 223**, **SB 228**, **SB 229**, **SB 236**, **SB 248**, **SB 254**, **SB 275**, **SB 280**, **SB 287**, **SB 290**, **SB 297**, **SB 304**, **SB 306**, **SB 320**, **SB 324**, **SB 366**, **SB 370**, **SJR 7**, **SJR 12**, **SJR 14**.
Signed by the Speaker at 12:04 p.m., April 4, 2011: **SB 74**, **SB 76**, **SB 91**, **SB 109**, **SB 111**, **SB 114**, **SB 115**, **SB 118**.
Signed by the President at 11:00 a.m., April 4, 2011: **SB 74**, **SB 76**, **SB 91**, **SB 109**, **SB 111**, **SB 114**, **SB 115**, **SB 118**.
Signed by the Secretary of the Senate at 9:00 a.m., April 4, 2011: **SB 74**, **SB 76**, **SB 91**, **SB 109**, **SB 111**, **SB 114**, **SB 115**, **SB 118**.
Delivered to the Governor for approval at 3:17 p.m., April 4, 2011: **SB 74**, **SB 76**, **SB 91**, **SB 109**, **SB 111**, **SB 114**, **SB 115**, **SB 118**.

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Balyeat, Chairman): 4/5/2011
SR 16, be adopted. Preliminary report adopted.

FINANCE AND CLAIMS (Lewis, Chairman): 4/4/2011
HB 5, be amended as follows:

1. Page 3, line 15.
Following: line 14
Insert: "Repair Natural Gas Distribution System, Montana State Hospital, Warm Springs 250,000 [LRBP Fund] 250,000 [Total]"

2. Page 4, line 8.
Strike: "274,000" [in both places]

Insert: "1,274,000" [in both places]

3. Page 4, line 18.
Following: line 17
Insert: "If House Bill No. 316 is not passed and approved or if House Bill No. 316 is passed and approved in a form that retains the $500,000 allocation to the department of fish, wildlife, and parks in 15-38-202 for the purposes of 87-1-283, then $1,000,000 of the state special revenue appropriation for Future Fisheries is appropriated from the allocation provided for in 15-38-202."

4. Page 4, line 18.
Following: line 17
Insert: "If House Bill No. 209 is passed and approved and if House Bill No. 209 amends 87-1-242(3) and (4) by allocating 50% of the money to secure wildlife habitat pursuant to 87-1-209 and 50% of the money to the maintenance account established in 87-1-230, then the state special revenue appropriation for Wildlife Habitat Maintenance is increased by $830,000."

5. Page 6, line 13.
Following: line 12
Insert: "If House Bill No. 209 is passed and approved and if House Bill No. 209 amends 87-1-242(3) and (4) by allocating 50% of the money to secure wildlife habitat pursuant to 87-1-209 and 50% of the money to the maintenance account established in 87-1-230, then the state special revenue appropriation for Habitat Montana is decreased by $3,476,160.

The appropriation of state special revenue for Fishing Access Site Acquisition in this section is restricted to purchases of land that are 5 acres or less."

6. Page 6, line 20.
Strike: "6,000,000" [in both places]
Insert: "5,850,000" [in both places]

7. Page 8, line 12.
Strike: "$10,685,622"
Insert: "$11,185,622"

And, as amended, be concurred in. Report adopted.

HB 6, be amended as follows:

1. Page 1, line 19.
Following: "biennium;"
Strike: "AND"

2. Page 1, line 22.
Following: line 21
Insert: "(c) $300,000 to be used for irrigation development grants to be awarded by the department over the course of the biennium;"
Renumber: subsequent subsections

3. Page 1, line 25.
Following: "~~biennium~~"
Insert: "; and
(e) $180,000 to be used for development of the state water plan and inventory to be awarded by the department over the course of the biennium"

4. Page 6, line 30.
Following: line 29
Insert: "Cascade Conservation District
(Whitmore Ravine Erosion Control and Storm Drainage, Phase I) $100,000"

And, as amended, be concurred in. Report adopted.

HB 8, be concurred in. Report adopted.
HB 51, be concurred in. Report adopted.
HB 351, be amended as follows:

1. Page 3, line 13.
Following: line 12
Insert: "34. Crow Tribe for Crow Agency (water) 750,000
35. Hill County (bridge) 174,082
36. Polson, City of (water) 625,000"

2. Page 4, line 2.
Strike: "33"
Insert: "36"

3. Page 4, line 9.
Strike: "33"
Insert: "36"

4. Page 7, line 14.
Strike: "$3.5"
Insert: "$3.92"

5. Page 8, line 14.
Strike: "$1"
Insert: "$1.57"

And, as amended, be concurred in. Report adopted.

HB 375, be amended as follows:

1. Page 1, line 24.
Strike: ":"
Insert: ","

2. Page 1, line 25.
Strike: "(i)"

3. Page 1, line 27.
Strike: "(A)"
Insert: "(i)"
Renumber: subsequent subsections

4. Page 1, line 28.
Strike: "(I)"
Insert: "(A)"
Renumber: subsequent subsections
Strike: "4.8%"
Insert: "5.1%"

5. Page 1, line 29.
Strike: "19.1%"
Insert: "20.1%"

6. Page 1, line 30.
Strike: "11.1%"
Insert: "11.7%"

7. Page 2, line 2.
Strike: "16.7%"
Insert: "17.6%"

8. Page 2, line 3.
Strike: "48.3%"
Insert: "45.6%"

9. Page 2, line 5 through line 10.
Strike: subsections (2)(c)(ii) and (2)(c)(iii) in their entirety

And, as amended, be concurred in. Report adopted.

HB 619, be amended as follows:

1. Title, page 1, line 5.
Following: "LAWS"
Strike: "TO IMPLEMENT PROVISIONS OF THE GENERAL APPROPRIATIONS ACT"

2. Page 1, line 20.
Strike: "annual sustainable yield constitutes the"

3. Page 1, line 22.
Following: "ENHANCEMENT"
Insert: "may not exceed the annual sustainable yield"

And, as amended, be concurred in. Report adopted.

JUDICIARY (Murphy, Chairman): 4/5/2011
HB 574, be concurred in. Report adopted.

NATURAL RESOURCES (Barrett, Chairman): 4/5/2011
HB 165, be concurred in. Report adopted.
HB 411, be concurred in. Report adopted.
HB 587, be amended as follows:

1. Title, line 6.
Following: "APPROPRIATION;"
Strike: "AND"

2. Title, line 7.
Following: "3-7-222,"
Insert: "3-7-223,"
Following: "MCA"
Insert: "; AND PROVIDING AN EFFECTIVE DATE"

3. Page 3, line 4.
Following: line 3
Insert: "Section 6. Section 3-7-223, MCA, is amended to read:

"3-7-223. Duties of the chief water judge. The chief water judge shall:

(1) administer the adjudication of existing water rights by:

(a) coordinating with the department of natural resources and conservation in compiling information submitted on water claim forms under Title 85, chapter 2, part 2, to assure that the information is expeditiously and properly compiled and transferred to the water judge in each water division;

(b) assuring that the water judge in each water division moves without unreasonable delay to enter the required preliminary decree;

(c) assuring that any contested or conflicting claims are tried and adjudicated as expeditiously as possible;

(2) conduct hearings in cases certified to the district court under 85-2-309;

(3) assign court personnel to divisions and duties as needed;

(4) assign the associate water judge to divisions and cases as needed; and

~~(4)~~(5) request and secure the transfer of water judges between divisions as needed.""

Renumber: subsequent sections

4. Page 3, line 12.
Strike: "The"
Insert: "With regard to the consideration of a matter within the chief water judge's jurisdiction, the"

5. Page 4, line 10.
Following: line 9
Insert: "NEW SECTION. **Section 11. Effective date.** [This act] is effective July 1, 2011."

And, as amended, be concurred in. Report adopted.

SR 7, be adopted. Report adopted.
SR 8, be adopted. Report adopted.
SR 9, be adopted. Report adopted.
SR 10, be adopted. Report adopted.
SR 11, be adopted. Report adopted.
SR 12, be adopted. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Priest, Chairman): 4/5/2011
HB 83, be concurred in. Report adopted.
HB 551, be concurred in. Report adopted.

STATE ADMINISTRATION (Shockley, Chairman): 4/4/2011
SR 24, be adopted. Preliminary report adopted.

MESSAGES FROM THE GOVERNOR

April 4, 2011

The Honorable Jim Peterson
President of the Senate
State Capitol
Helena, Montana 59620

The Honorable Mike Milburn
Speaker of the House
State Capitol
Helena, Montana 59620

Dear President Peterson and Speaker Milburn:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby veto Senate Bill 176, "**AN ACT PROHIBITING QUALIFIED HEALTH INSURANCE PLANS OFFERED THROUGH A HEALTH INSURANCE EXCHANGE IN MONTANA FROM COVERING ABORTION SERVICES**" for the following reasons.

I issue this veto because I have been advised that SB 176 is unconstitutional under Montana's constitutional guarantee of individual privacy.

Unlike the federal constitution, Article II, section 10 of the Montana Constitution guarantees Montanans an express right of privacy. The Montana Supreme Court has held, unequivocally, that the state constitutional right of privacy embraces the right of a woman to decide whether to have an abortion. Armstrong v. State, 1999 MT 261. I have been advised that SB 176 infringes upon the right of privacy and a woman's right to access reproductive health care found in the Montana Constitution, and for this reason is unconstitutional. Senate Bill 176 implements a provision of the federal health care reform act related to insurance plans offered through health insurance exchanges, which will be launched in 2014. The federal act authorizes states to prohibit abortion coverage in health insurance plans offered through an exchange in their state (the "opt-out" provision). SB 176 is Montana lawmakers' attempt to implement the "opt-out" provision in Montana. It must be mentioned, also, that payment for a "rider" to a health insurance plan offered through an exchange would lie solely with the consumer purchasing the plan. It is not paid for by the federal government or with federal or state funds.

While the federal health care reform act gives states the option whether to exclude abortion coverage from all health insurance plans offered through an exchange, when Montana exercises its discretion, the state is bound by the requirements of Montana's own Constitution.

The Montana Supreme Court stated in Armstrong: "[T]he State has no more compelling interest or constitutional justification for interfering with the exercise of this right [of a woman to terminate her pre-viability pregnancy] than it would if she chose to carry the fetus to term. . .. [I]f the State has the power to infringe the right of procreative autonomy in favor of birth, then, necessarily, it also has the power to require abortion under some circumstances." Id. at 11 49.

Montana case law could not be clearer. Under that case law, I have been advised that S8 176 is unconstitutional. It would be a waste of taxpayer's money and the State's resources to sign a bill that is unconstitutional and subject the State and other parties to unnecessary litigation. It is for this reason that I have chosen to veto S8 176.

Each of us holds deep and differing opinions on the subject of abortion, including the circumstances under which either an abortion, itself, or government regulation of abortion is appropriate. However, given my obligation to uphold the Montana Constitution, and where legal counsel has advised me that S8 176 is unconstitutional, I believe I have no choice but to veto the bill.

I respectfully ask that you sustain my veto of S8 176 for the same reasons.

Sincerely,

BRIAN SCHWEITZER
Governor

April 4, 2011

The Honorable Jim Peterson
President of the Senate
State Capitol
Helena, MT 59620

Dear President Peterson:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return with amendments Senate Bill No. 351 (SB 351), **"AN ACT REVISING LAWS RELATED TO MEDICAID MANAGED CARE CONTRACTS; ESTABLISHING AN ADVISORY COUNCIL; REQUIRING REVIEW OF REQUESTS FOR PROPOSALS AND PROPOSED CONTRACTS; AMENDING SECTIONS 33-1-102, 33-31-115, 53-6-116, 53-6-702, 53-6-704, 53-6-705, 53-6-707, AND 53-21-701, MCA; REPEALING SECTION 53-6-703, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE."**

SB 351 establishes a comprehensive review that must be undertaken by the legislative auditor's office, the state auditor's office, and a newly established advisory council prior to the issuance of a request for proposal for, or the award of, a managed care contract by the Department of Public Health and Human Services (DPHHS). In addition to some minor, technical changes for clarity, my amendments are intended not to change the substance and intent of the bill, but rather to exempt a managed care program that has been in existence since 1993 from the requirements of the new process for any managed care proposals or contracts issued on or after February 1, 2011.

Under the DPHHS' "passport to health program," most Medicaid clients are assigned to a primary health care provider who serves as a conduit for other health care. For example, if the client needs to see a specialist other than the client's primary health care provider or needs non-emergency care, the client must obtain a referral from the primary care provider. The Centers for Medicare and Medicaid Services regards this program to be a managed care program and requires a waiver to operate. The waiver also includes the Nurse Advice Line and the Health Improvement Program, which is contracted to several community health centers. These centers have nurses who help people on Medicaid with chronic medical conditions better manage their care.

The "passport to health program" has been in effect in Montana since 1993. It is well-established, well-received, and saves Montana's Medicaid program significant money. It must be renewed every two years. It is my understanding that SB 351 was never intended to be applied to this

program. My proposed amendments expressly exempt it from the requirements of SB 351.

I ask for your favorable consideration of the proposed amendments.

Sincerely,

BRIAN SCHWEITZER
GOVERNOR

cc: Legislative Services Division

Governor's recommendations for amendments to **Senate Bill 351** (reference copy -- salmon) are as follows:

1. Page 2, line 7.
Following: the second "for"
Insert: "the provision of services through a"

2. Page 2, line 8.
Strike: "care program"
Insert: "health care entity"

3. Page 2, line 16.
Following: "(c) "
Insert: "within 60 days of receipt of the request for proposal and proposed contract,"
Following: "shall"
Insert: "complete their analyses and"

4. Page 4, line 18.
Following: "(2)"
Strike: "A"
Insert: "The delivery of programs of managed health care services established under Title 53 by a"

5. Page 5, line 9.
Following: "system"
Insert: ", except for a primary care case management service,"
Following: "requires"
Insert: "for implementation"

6. Page 5, line 30.
Following: "include"
Insert: ": (i)"

7. Page 6, line 1.
Following: "basis"
Insert: "; (ii) a medicaid primary care case management service within the meaning of 42 CFR 438;"
Following: "or"
Insert: "(iii)"

8. Page 7, line 5.
Following: "that"
Strike: "all"
Insert: "the"
Following: "services"
Strike: "available"
Insert: "approved by the department for delivery"

9. Page 9, line 6.
Strike: "home"
Insert: "facility"

10. Page 9, line 7.
Strike: "home"
Insert: "facility"

11. Page 9, line 14.
Strike: "homes"
Insert: "facilities"

12. Page 9, line 15.
Strike: "home"
Insert: "facility"

MESSAGES FROM THE OTHER HOUSE

Senate amendments to House bills concurred in: 4/4/2011

HB 59, introduced by Belcourt
HB 61, introduced by MacLaren
HB 95, introduced by McNutt
HB 103, introduced by Fitzpatrick
HB 178, introduced by Howard
HB 191, introduced by Flynn
HB 213, introduced by Harris
HB 251, introduced by Hoven
HB 288, introduced by Sands

HB 300, introduced by Flynn
HB 380, introduced by Blasdel

HB 297 - The House failed to concur in Senate amendments to **HB 297,** authorized the Speaker to appoint the following Conference Committee, and requested that the Senate appoint a like committee to confer on Senate amendments to **HB 297:**

4/4/2011

Representative Berry, Vice Chair
Representative Stahl
Representative B. Bennett

HB 43 - The House failed to concur in Senate amendments to **HB 43,** authorized the Speaker to appoint the following **Free** Conference Committee, and requested that the Senate appoint a like committee to confer on **HB 43:**

4/4/2011

Representative MacLaren, Vice Chair
Representative Fitzpatrick
Representative Hunter

Senate bills concurred in and returned to the Senate: 4/4/2011

SB 174, introduced by Vuckovich
SB 288, introduced by Gillan
SB 298, introduced by Vincent
SB 357, introduced by Hamlett

Senate bills concurred in as amended and returned to the Senate for concurrence in House amendments:

4/4/2011

SB 1, introduced by Tutvedt
SB 15, introduced by Jent
SB 198, introduced by Balyeat
SB 347, introduced by Lake

Governor's amendments to **House bill not** concurred in and transmitted to the Senate for consideration of the Governor's amendments:

4/4/2011

HB 307, introduced by Burnett

MOTIONS

Senator Essmann moved to appoint a Conference Committee on **HB 29** and request the House to appoint a like committee. Motion Carried. President Peterson appointed:

4/5/2011

Senator Balyeat, Chair

Senator Facey
Senator Moore

Senator Essmann moved to appoint a Conference Committee on **HB 42** and request the House to appoint a like committee. Motion Carried. President Peterson appointed:

4/5/2011

Senator Ripley, Chair
Senator Olson
Senator Keane

Senator Essmann moved to appoint a Conference Committee on **HB 47** and request the House to appoint a like committee. Motion Carried. President Peterson appointed:

4/5/2011

Senator Balyeat, Chair
Senator Facey
Senator Hinkle

Senator Essmann moved to appoint a Conference Committee on **HB 271** and request the House to appoint a like committee. Motion Carried. President Peterson appointed:

4/5/2011

Senator Shockley, Chair
Senator Hinkle
Senator Larsen

FIRST READING AND COMMITMENT OF BILLS

The following Senate joint resolution was introduced, read first time, and referred to committee:

SJR 28, introduced by Lake, Arthun, referred to Education and Cultural Resources.

The following Senate resolutions were introduced, read first time, and referred to committee:

SR 28, introduced by Buttrey, referred to Local Government.

SR 29, introduced by Priest, referred to Public Health, Welfare and Safety.

The following House bill was introduced, read first time, and referred to committee:

HB 274, introduced by Howard, C. Smith, Skattum, Read, Regier, Blasdel, Blyton, Hale, Loney, O'Hara, Vance, referred to Business, Labor, and Economic Affairs.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Essmann moved the Senate resolve itself into a Committee of the Whole for

consideration of business on second reading. Motion carried. Senator Tropila in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SJR 22 - Senator Priest moved **SJR 22** do pass. Motion carried as follows:
Yeas: Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Caferro, Erickson, Essmann, Facey, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jones, Kaufmann, Lake, Lewis, Moore, Moss, Mowbray, Murphy, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Van Dyk, Vincent, Walker, Wanzenried, Williams, Wittich, Zinke, Mr. President.
Total 38

Nays: Arthun, Augare, Buttrey, Gallus, Jent, Keane, Larsen, Stewart-Peregoy, Tropila, Vuckovich, Windy Boy.
Total 11

Absent or not voting: None.
Total 0

Excused: Olson.
Total 1

HB 196 - Senator Vincent moved **HB 196** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hinkle, Hutton, Jackson, Jones, Keane, Lake, Larsen, Lewis, Moore, Mowbray, Murphy, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Wittich, Zinke, Mr. President.
Total 42

Nays: Caferro, Hawks, Jent, Kaufmann, Moss, Tropila, Windy Boy.
Total 7

Absent or not voting: None.
Total 0

Excused: Olson.
Total 1

HB 602 - Senator Hamlett moved **HB 602** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.

Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Olson.
Total 1

SJR 25 - Senator Moss moved **SJR 25** do pass. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Olson.
Total 1

SB 106 - **Governor's Amendments** - Senator Priest moved Governor's amendments to **SB 106 not** be concurred in. Motion carried as follows:
Yeas: Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Lake, Lewis, Moore, Mowbray, Murphy, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 25

Nays: Arthun, Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Jones, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 24

Absent or not voting: None.
Total 0

Excused: Olson.
Total 1

SB 125 - **Governor's Amendments** - Senator Wittich moved Governor's amendments to **SB 125 not** be concurred in. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Mr. President.
Total 26

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke.
Total 23

Absent or not voting: None.
Total 0

Excused: Olson.
Total 1

SB 97 - **House Amendments** - Senator Shockley moved House amendments to **SB 97 not** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Hamlett, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Lewis, Moore, Mowbray, Murphy, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 44

Nays: Gillan, Hawks, Larsen, Moss, Tropila.
Total 5

Absent or not voting: None.
Total 0

Excused: Olson.
Total 1

SB 153 - **House Amendments** - Senator Jent moved House amendments to **SB 153 not** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Olson.
Total 1

SB 156 - **House Amendments** - Senator Windy Boy moved House amendments to **SB 156 not** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Olson.
Total 1

SB 54 - **House Amendments** - Senator Balyeat moved House amendments to **SB 54** be concurred in. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Branae, Brenden, Brown, Buttrey, Caferro, Essmann, Gallus, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jones, Keane, Lake, Lewis, Moore, Mowbray, Murphy, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Van Dyk, Vincent, Walker, Windy Boy, Wittich, Zinke, Mr. President.
Total 35

Nays: Augare, Blewett, Erickson, Facey, Gillan, Jent, Kaufmann, Larsen, Moss, Stewart-Peregoy, Tropila, Vuckovich, Wanzenried, Williams.
Total 14

Absent or not voting: None.
Total 0

Excused: Olson.
Total 1

SB 59 - **House Amendments** - Senator Moss moved House amendments to **SB 59** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Olson.
Total 1

SB 108 - **House Amendments** - Senator Barrett moved House amendments to **SB 108** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 46

Nays: Erickson, Kaufmann, Van Dyk.
Total 3

Absent or not voting: None.
Total 0

Excused: Olson.
Total 1

SB 124 - **House Amendments** - Senator Ripley moved House amendments to **SB 124** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Zinke, Mr. President.
Total 47

Nays: Windy Boy, Wittich.
Total 2

Absent or not voting: None.
Total 0

Excused: Olson.
Total 1

SB 135 - **House Amendments** - Senator Balyeat moved House amendments to **SB 135** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Brenden, Brown, Buttrey, Caferro, Essmann, Facey, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Windy Boy, Wittich, Zinke, Mr. President.
Total 41

Nays: Branae, Erickson, Gallus, Kaufmann, Keane, Larsen, Moss, Williams.
Total 8

Absent or not voting: None.
Total 0

Excused: Olson.
Total 1

SB 136 - **House Amendments** - Senator Balyeat moved House amendments to **SB 136** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Larsen, Lewis, Moore, Mowbray, Murphy, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Windy Boy, Wittich, Zinke, Mr. President.
Total 44

Nays: Erickson, Kaufmann, Moss, Stewart-Peregoy, Williams.
Total 5

Absent or not voting: None.
Total 0

Excused: Olson.
Total 1

SB 138 - **House Amendments** - Senator Jones moved House amendments to **SB 138** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Olson.
Total 1

SB 173 - **House Amendments** - Senator Tutvedt moved House amendments to **SB 173** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 43

Nays: Erickson, Essmann, Kaufmann, Stewart-Peregoy, Van Dyk, Wittich.
Total 6

Absent or not voting: None.
Total 0

Excused: Olson.
Total 1

SB 201 - **House Amendments** - Senator Walker moved House amendments to **SB 201** be concurred in. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Caferro, Essmann, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Lewis, Moore, Mowbray, Murphy, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Vuckovich, Walker, Windy Boy, Wittich, Zinke, Mr. President.
Total 36

Nays: Augare, Blewett, Branae, Erickson, Facey, Kaufmann, Larsen, Moss, Stewart-Peregoy,

Tropila, Van Dyk, Wanzenried, Williams.
Total 13

Absent or not voting: None.
Total 0

Excused: Olson.
Total 1

SB 212 - **House Amendments** - Senator Ripley moved House amendments to **SB 212** be concurred in. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Essmann, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Larsen, Lewis, Moore, Mowbray, Murphy, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Vuckovich, Walker, Wittich, Zinke, Mr. President.
Total 37

Nays: Augare, Caferro, Erickson, Facey, Kaufmann, Moss, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried, Williams, Windy Boy.
Total 12

Absent or not voting: None.
Total 0

Excused: Olson.
Total 1

SB 221 - **House Amendments** - Senator Gillan moved House amendments to **SB 221 not** be concurred in. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 48

Nays: Augare.
Total 1

Absent or not voting: None.
Total 0

Excused: Olson.
Total 1

SB 234 - **House Amendments** - Senator Sonju moved House amendments to **SB 234** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Essmann, Facey, Gallus, Gillan, Hamlett, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 44

Nays: Erickson, Hawks, Kaufmann, Van Dyk, Wanzenried.
Total 5

Absent or not voting: None.
Total 0

Excused: Olson.
Total 1

SB 238 - **House Amendments** - Senator Blewett moved House amendments to **SB 238** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brown, Buttrey, Caferro, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 47

Nays: Brenden, Erickson.
Total 2

Absent or not voting: None.
Total 0

Excused: Olson.
Total 1

SB 241 - **House Amendments** - Senator Priest moved House amendments to **SB 241** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Essmann, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Lewis, Moore, Mowbray, Murphy, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wittich, Zinke, Mr. President.
Total 40

Nays: Erickson, Facey, Kaufmann, Larsen, Moss, Stewart-Peregoy, Wanzenried, Williams,

Windy Boy.
Total 9

Absent or not voting: None.
Total 0

Excused: Olson.
Total 1

SB 255 - **House Amendments** - Senator Brenden moved House amendments to **SB 255** be concurred in. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Branae, Brenden, Brown, Buttrey, Essmann, Gallus, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Zinke, Mr. President.
Total 30

Nays: Augare, Blewett, Caferro, Erickson, Facey, Gillan, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Wittich.
Total 19

Absent or not voting: None.
Total 0

Excused: Olson.
Total 1

SB 279 - **House Amendments** - Senator Jackson moved House amendments to **SB 279** be concurred in. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 27

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Absent or not voting: None.
Total 0

Excused: Olson.
Total 1

SB 311 - **House Amendments** - Senator Gallus moved House amendments to **SB 311** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tutvedt, Van Dyk, Vincent, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 47

Nays: Tropila, Vuckovich.
Total 2

Absent or not voting: None.
Total 0

Excused: Olson.
Total 1

SB 327 - **House Amendments** - Senator Larsen moved House amendments to **SB 327** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 48

Nays: Gallus.
Total 1

Absent or not voting: None.
Total 0

Excused: Olson.
Total 1

SB 340 - **House Amendments** - Senator Vincent moved House amendments to **SB 340** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Olson.
Total 1

SB 367 - **House Amendments** - Senator Vincent moved House amendments to **SB 367** be concurred in. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tropila, Tutvedt, Van Dyk, Vincent, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 44

Nays: Augare, Erickson, Kaufmann, Stewart-Peregoy, Vuckovich.
Total 5

Absent or not voting: None.
Total 0

Excused: Olson.
Total 1

Senator Essmann moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Peterson in the chair. Chairman Tropila moved the Committee of the Whole report be adopted. Report adopted as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Williams, Wittich, Zinke, Mr. President.
Total 44

Nays: Erickson, Kaufmann, Stewart-Peregoy, Wanzenried, Windy Boy.
Total 5

Absent or not voting: None.
Total 0

Excused: Olson.
Total 1

MOTIONS

Senator Essmann moved to appoint a **Free** Conference Committee on **SB 97** and request the House to appoint a like committee. Motion Carried. President Peterson appointed:

4/5/2011

Senator Essmann, Chair
Senator Blewett
Senator Shockley

Senator Essmann moved to appoint a Conference Committee on **SB 153** and request the House to appoint a like committee. Motion Carried. President Peterson appointed:

4/5/2011

Senator Hutton, Chair
Senator Jent
Senator Shockley

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 106 concurred in as follows:
Yeas: Augare, Balyeat, Blewett, Branae, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Wittich, Mr. President.
Total 41

Nays: Arthun, Barrett, Brenden, Brown, Jones, Priest, Windy Boy, Zinke.
Total 8

Absent or not voting: None.
Total 0

Excused: Olson.
Total 1

SJR 18 passed as follows:
Yeas: Augare, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moss, Mowbray, Murphy, Priest, Sonju, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Mr. President.
Total 35

Nays: Arthun, Balyeat, Barrett, Essmann, Hinkle, Jackson, Moore, Ripley, Shockley, Steinbeisser, Vincent, Walker, Wittich, Zinke.
Total 14

Absent or not voting: None.
Total 0

Excused: Olson.
Total 1

SJR 19 passed as follows:
Yeas: Augare, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Windy Boy, Mr. President.
Total 36

Nays: Arthun, Balyeat, Barrett, Essmann, Hinkle, Lake, Priest, Ripley, Shockley, Sonju, Walker, Wittich, Zinke.
Total 13

Absent or not voting: None.
Total 0

Excused: Olson.
Total 1

SJR 20 passed as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Caferro, Essmann, Hawks, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Mowbray, Murphy, Priest, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wanzenried, Wittich, Mr. President.
Total 26

Nays: Augare, Blewett, Branae, Erickson, Facey, Gallus, Gillan, Hamlett, Jent, Kaufmann, Keane, Larsen, Moore, Moss, Ripley, Shockley, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Williams, Windy Boy, Zinke.
Total 23

Absent or not voting: None.
Total 0

Excused: Olson.
Total 1

REPORTS OF STANDING COMMITTEES

FINANCE AND CLAIMS (Lewis, Chairman): 4/4/2011
HB 9, be amended as follows:

1. Page 6, line 22.
Insert: "NEW SECTION. **Section 3. Contingent appropriation of additional grant money.** If either or both of the appropriations in House Bill No. 2 to the Montana arts council for Promotion of the Arts of $204,342 state special revenue for fiscal year 2012 and $201,903 state special revenue for fiscal year 2013 are reduced, then the appropriation in [section 2] is increased by the amount of the reduction, not to exceed a total increase of $28,677. This appropriation increase must increase the grant amount for projects with grant approvals greater than $4,500 on a pro rata basis, with the exception of service organization grants. Service organization grants for Museums Association of Montana, Montana Preservation Alliance, Montana Arts, Museum & Art Gallery Directors' Association, Montana Performing Arts Consortium, Montana Association of Symphony Orchestras, and Montana Dance Arts Association are not increased by the additional appropriation."
Renumber: subsequent sections

And, as amended, be concurred in. Report adopted.

HB 10, be amended as follows:

1. Title, page 1, line 7.
Following: "COURT"
Insert: "AND REVISING APPROPRIATION CONDITIONS; REVISING BIDDER CRITERIA FOR THE UNEMPLOYMENT INSURANCE TAX MODERNIZATION PROJECT"

2. Page 4, line 13.
Strike: "10%"
Insert: "20%"

3. Page 4, line 15.
Strike: "installed" through "meets"
Insert: "substantially similar projects installed and in production in at least two other states within the past 5 years and that meet"

4. Page 4, line 17.
Strike: "project has"
Insert: "projects have"
Strike: "it has"
Insert: "the projects have"

5. Page 4, line 18.
Strike: "project meets"
Insert: "projects meet"

And, as amended, be concurred in. Report adopted.

HB 613, be amended as follows:

1. Page 11, line 21.
Following: "year"
Insert: "by September 30 of the subsequent fiscal year"

2. Page 11, line 26 through line 29.
Strike: "The" on line 26 through "." on line 29

3. Page 12, line 1.
Following: "year"
Insert: "by September 30 of the subsequent fiscal year"

4. Page 12, line 3 through page 12, line 5.
Strike: "The" on line 3 through "." on line 5

5. Page 13, line 30.
Insert: "COORDINATION SECTION. **Section 7. Coordination instruction.** If House Bill No. 2 is not passed and approved, then [this act] is void."
Renumber: subsequent sections

And, as amended, be concurred in. Report adopted.

MOTIONS

Senator Larsen moved to change his vote on **SJR 20** from Yes to No. Without objection, so ordered.

Senator Vuckovich moved to change his vote on **SB 106** from No to Yes. Without objection, so ordered.

Senator Gillan moved to change her vote on **SJR 20** from Yes to No. Without objection, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Essmann moved that the Senate adjourn until 1:00 p.m., Wednesday, April 6, 2011. Motion carried.

Senate adjourned at 2:26 p.m.

MARILYN MILLER
Secretary of the Senate

JIM PETERSON
President of the Senate

SENATE JOURNAL
62ND LEGISLATURE
SEVENTY-SEVENTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
April 6, 2011 — State Capitol

Senate convened at 1:00 p.m. President Peterson presiding. Invocation by Chaplain Keith Johnson. Pledge of Allegiance to the Flag. Roll Call. All members present, except Senators Gillan, Olson, and Priest, excused. Quorum present.

Senator Gillan present.

Senator Priest present.

BILLS AND JOURNALS: 4/6/2011

Correctly printed: **SR 7**, **SR 8**, **SR 9**, **SR 10**, **SR 11**, **SR 12**, **HB 8**, **HB 51**, **HB 83**, **HB 165**, **HB 196**, **HB 411**, **HB 551**, **HB 574**, **HB 602**.
Correctly engrossed: **HB 4**, **HB 5**, **HB 6**, **HB 9**, **HB 10**, **HB 351**, **HB 375**, **HB 587**, **HB 613**, **HB 619**.
Correctly enrolled: **SB 28**, **SB 36**, **SB 43**, **SB 52**, **SB 120**, **SB 146**, **SB 174**, **SB 222**, **SB 288**, **SB 298**, **SB 307**, **SB 337**, **SB 352**, **SB 357**.
Examined by the sponsor and found to be correct: **SB 28**, **SB 36**, **SB 43**, **SB 52**, **SB 120**, **SB 146**, **SB 174**, **SB 222**, **SB 288**, **SB 298**, **SB 352**, **SB 355**, **SB 357**.
Signed by the Speaker at 4:05 a.m., April 5, 2011: **SB 3**, **SB 5**, **SB 55**, **SB 159**, **SB 208**, **SB 210**, **SB 305**, **SB 356**, **SJR 10**.
Signed by the President at 3:20 p.m., April 5, 2011: **SB 3**, **SB 5**, **SB 55**, **SB 159**, **SB 208**, **SB 210**, **SB 305**, **SB 356**, **SJR 3**, **SJR 10**.
Signed by the Secretary of the Senate at 10:00 a.m., April 5, 2011: **SB 3**, **SB 5**, **SB 55**, **SB 159**, **SB 208**, **SB 210**, **SB 305**, **SB 356**, **SJR 10**, **SR 3**.
Delivered to the Governor for approval at 9:45 a.m., April 6, 2011: **SB 3**, **SB 5**, **SB 55**, **SB 159**, **SB 208**, **SB 210**, **SB 305**, **SB 356**.
Delivered to the Secretary of State at 9:47 a.m., April 6, 2011: **SJR 10**, **SR 3**.

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Balyeat, Chairman): 4/6/2011
SR 17, be adopted. **Preliminary** report adopted.
SR 19, be adopted. Report adopted.
HR 615, be concurred in. Report adopted.

EDUCATION AND CULTURAL RESOURCES (Zinke, Chairman): 4/5/2011
SR 13, be adopted. Report adopted.

FINANCE AND CLAIMS (Lewis, Chairman): 4/5/2011
HB 604, be amended as follows:

1. Title, page 1, line 4.
Following: "AUTHORIZING"
Strike: "A"

2. Title, page 1, line 5.
Strike: "TRANSFER"
Insert: "TRANSFERS"

3. Title, page 1, line 6.
Following: "ACCOUNT"
Insert: "AND THE OLDER MONTANANS TRUST FUND"

4. Title, page 1, line 11.
Following: "FUND"
Insert: "AND THE STATE COMPENSATION INSURANCE FUND"
Following: "SECTIONS"
Insert: "39-71-2311, 39-71-2316, 39-71-2320, 39-71-2321, 39-71-2322, 39-71-2323, 39-71-2351, 39-71-2352, 52-3-115,"

5. Title, page 1, line 12.
Following: "DATE"
Insert: "AND A TERMINATION DATE"

6. Page 1, line 16 through line 20.
Following: "(1)" on line 16
Strike: remainder of line 16 through "(2)" on line 20
Renumber: subsequent subsections

7. Page 1, line 25.
Strike: "$8"
Insert: "$8.5"

8. Page 1.
Following: line 29
Insert: "NEW SECTION. **Section 2. Transfer of funds to general fund.** (1) By August 15, 2011, the state treasurer shall transfer $1.85 million from the telecommunications services and specialized telecommunications equipment account provided for in 53-19-310 to the general fund. (2) The state treasurer shall transfer $9,166,502 from the older Montanans trust fund, provided for in 52-3-115, to the general fund for the biennium beginning July 1, 2011, for the purpose of funding the prescription drug plus discount program provided for in Title 53, chapter 6, part 10, and for providing grants to the area agencies on aging and funds for tobacco prevention and cessation."
Renumber: subsequent sections

9. Page 2, lines 1 through 2.
Strike: "the lesser" on line 1 through "$50" on line 2

Insert: "$13"

10. Page 2.
Following: line 2
Insert: "(2) (a) The state fund shall, by August 12, 2012, transfer from its surplus to the old state fund account the amount of the outstanding liability determined in subsection (2)(b) from either of the following or a combination of both:

(i) investment earnings and interest on premiums paid between fiscal year 1999 and fiscal year 2003; or

(ii) the amount of surplus as of June 30, 2012, that is greater than a reserve-to-surplus ratio of 2.5 to 1.

(b) The governor's office of budget and program planning shall determine the outstanding liability of the old state fund account as reported in the financial statements as of June 30, 2012, and inform the state fund of the amount to be transferred."
Renumber: subsequent subsection

11. Page 2.
Following: line 5
Insert: "Section 4**.** Section 39-71-2311, MCA, is amended to read:

"39-71-2311. Intent and purpose of plan -- expense constant defined. (1) It is the intent and purpose of the state fund to allow employers an option to insure their liability for workers' compensation and occupational disease coverage with the state fund. The state fund must be neither more nor less than self-supporting. Premium rates must be set at least annually at a level sufficient to ensure the adequate funding of the insurance program, including the costs of administration, benefits, and adequate reserves, during and at the end of the period for which the rates will be in effect. In determining premium rates, the state fund shall make every effort to adequately predict future costs. When the costs of a factor influencing rates are unclear and difficult to predict, the state fund shall use a prediction calculated to be more than likely to cover those costs rather than less than likely to cover those costs. The prediction must take into account the goal of pooling risk and may not place an undue burden on employers that are not eligible for the tier with the lowest-rated premium for workers' compensation purposes.

(2) Unnecessary surpluses that are created by the imposition of premiums found to have been set higher than necessary because of a high estimate of the cost of a factor or factors may be refunded, subject to 39-71-2316(1)(h), by the declaration of a dividend as provided in this part. For the purpose of keeping the state fund solvent, the board of directors may implement multiple rating tiers as provided in 39-71-2330 and may assess an expense constant, a minimum premium, or both.

(3) As used in this section, "expense constant" means a premium charge applied to each workers' compensation policy to pay expenses related to issuing, servicing, maintaining, recording, and auditing the policy.""
Insert: "Section 5. Section 39-71-2316, MCA, is amended to read:

"39-71-2316. Powers of state fund. (1) For the purposes of carrying out its functions, the state fund may:

(a) insure any employer for workers' compensation and occupational disease liability as the coverage is required by the laws of this state and, as part of the coverage, provide related employers' liability insurance upon approval of the board;

(b) sue and be sued;

(c) enter into contracts relating to the administration of the state fund, including claims management, servicing, and payment;

(d) collect and disburse money received;

(e) adopt classifications and charge premiums for the classifications so that the state fund will be neither more nor less than self-supporting. Premium rates for classifications may be adopted and changed only by using a process, a procedure, formulas, and factors set forth in rules adopted under Title 2, chapter 4, parts 2 through 4. After the rules have been adopted, the state fund need not follow the rulemaking provisions of Title 2, chapter 4, when changing classifications and premium rates. The contested case rights and provisions of Title 2, chapter 4, do not apply to an employer's classification or premium rate. The state fund is required to belong to a licensed workers' compensation advisory organization or a licensed workers' compensation rating organization under Title 33, chapter 16, part 4, and may use the classifications of employment adopted by the designated workers' compensation advisory organization, as provided in Title 33, chapter 16, part 10, and corresponding rates as a basis for setting its own rates. Except as provided in Title 33, chapter 16, part 10, a workers' compensation advisory organization or a licensed workers' compensation rating organization under Title 33, chapter 16, part 4, or other person may not, without first obtaining the written permission of the employer, use, sell, or distribute an employer's specific payroll or loss information, including but not limited to experience modification factors.

(f) pay the amounts determined to be due under a policy of insurance issued by the state fund;

(g) hire personnel;

(h) declare dividends if there is an excess of assets over liabilities~~. However, dividends may not be paid until~~, adequate actuarially determined reserves ~~are~~ have been set aside, and the reserve-to-surplus ratio is 2.5 to 1 or better.

(i) adopt and implement one or more alternative personal leave plans pursuant to 39-71-2328;

(j) upon approval of the board, contract with licensed resident insurance producers;

(k) upon approval of the board, enter into agreements with licensed workers' compensation insurers, insurance associations, or insurance producers to provide workers' compensation coverage in other states to Montana-domiciled employers insured with the state fund;

(l) upon approval of the board, expend funds for scholarship, educational, or charitable purposes;

(m) upon approval of the board, including terms and conditions, provide employers coverage under the federal Longshore and Harbor Workers' Compensation Act, 33 U.S.C. 901, et seq., the federal Merchant Marine Act, 1920 (Jones Act), 46 U.S.C. 688, and the federal Employers' Liability Act, 45 U.S.C. 51, et seq.;

(n) perform all functions and exercise all powers of a private insurance carrier that are necessary, appropriate, or convenient for the administration of the state fund.

(2) The state fund shall include a provision in every policy of insurance issued pursuant to this part that incorporates the restriction on the use and transfer of ~~money~~ premiums collected by the state fund as provided for in 39-71-2320.""

Insert: "Section 6. Section 39-71-2320, MCA, is amended to read:

"39-71-2320. Property of state fund -- investment required -- exception. ~~All~~ (1) Except as provided in subsection (2), all premiums and other money paid to the state fund, all property and securities acquired through the use of money belonging to the state fund, and all interest and dividends earned upon money belonging to the state fund are the sole property of the state fund and must be used exclusively for the operations and obligations of the state fund. The ~~money~~ premiums collected by the state fund for claims for injuries occurring on or after July 1, 1990, may not be used for any other purpose and may not be transferred by the legislature to other funds or used for other programs. However, state fund ~~money~~ premiums and other money paid to the state fund must be invested by the board of investments provided for in 2-15-1808, and subject to the investment agreement with the board of investments and the provisions of subsection (2) of this section, the earnings on investments are the sole property of the state fund except as provided in subsection (2) of this section.

(2) A transfer by the state fund from the account for injuries occurring on or after July 1, 1990, to the account for injuries occurring before July 1, 1990, is not a transfer as described in subsection (1) if the transfer involves interest income or other money paid prior to July 1, 2003, and does not include premiums paid after July 1, 1990.""

Insert: "Section 7. Section 39-71-2321, MCA, is amended to read:

"39-71-2321. What to be deposited in state fund. (1) All premiums, penalties, recoveries by subrogation, interest earned upon money belonging to the state fund, securities acquired by or through use of premiums, interest, and other money earned or recovered by the state fund, and all interest and penalties on taxes in accordance with 17-2-124 must be deposited in the state fund. Except for a transfer authorized under 39-71-2320(2) or 39-71-2352, the money must be separated into two accounts based upon whether they relate to claims for injuries resulting from accidents that occurred before July 1, 1990, or claims for injuries resulting from accidents that occur on or after that date.

(2) All ~~funds~~ premiums, penalties, recoveries, interest earned, and other money deposited in the state fund may be spent as provided in 17-8-101(2)(b).""

Insert: "Section 8. Section 39-71-2322, MCA, is amended to read:

"39-71-2322. Money in state fund held in trust -- disposition of funds upon repeal of chapter. The ~~money~~ premiums, penalties, interest, and other money earned, as listed in 39-71-2321, and coming into the state fund must be held in trust for the purpose for which the premiums and other money ~~was~~ were collected. If this chapter is repealed, the ~~money is~~ premiums, penalties, interest, and other money earned are subject to the disposition provided by the legislature repealing this chapter. In the absence of a legislative provision, distribution must be in accordance with the justice of the matter, due regard being given to obligations of compensation incurred and existing.""

Insert: "Section 9. Section 39-71-2323, MCA, is amended to read:

"39-71-2323. Surplus in state fund -- payment of dividends. Subject to the provisions of 39-71-2316, if at the end of any fiscal year there exists in the state fund account created by 39-71-2321 for claims for injuries resulting from accidents that occur on or after July 1, 1990, an excess of assets over liabilities, including ~~necessary~~ actuarially adequate reserves set aside, and ~~an appropriate surplus~~ a reserve-to-surplus ratio of 2.5 to 1 ~~as determined by the board in accordance with 39-71-2330,~~ and if the excess may be refunded safely as determined by the board, then the board, after consultation with the independent actuary engaged pursuant to 39-71-2330, may declare a dividend. The rules of the state fund must prescribe the manner of

payment to those employers who have paid premiums into the state fund in excess of liabilities.""
Insert: "Section 10. Section 39-71-2351, MCA, is amended to read:

"39-71-2351. Purpose of separation of state fund liability as of July 1, 1990, and of separate funding of claims before and on or after that date. (1) An unfunded liability exists in the state fund. It has existed since at least the mid-1980s and has grown each year. There have been numerous attempts to solve the problem by legislation and other methods. These attempts have alleviated the problem somewhat, but the problem has not been solved.

(2) The legislature has determined that it is necessary to the public welfare to make workers' compensation insurance available to all employers through the state fund as the insurer of last resort. In making this insurance available, the state fund has incurred the unfunded liability. The legislature has determined that the most cost-effective and efficient way to provide a source of funding for and to ensure payment of the unfunded liability and the best way to administer the unfunded liability is to separate the liability of the state fund on the basis of whether a claim is for an injury resulting from an accident that occurred before July 1, 1990, or an accident that occurs on or after that date. The legislature also recognizes that the separation of accounts does not absolve the unfunded liability of the state fund and that through the use of accrued interest, sound business practices, and savings that may be achieved there is an opportunity to provide limited transfers to the account for injuries that occurred before July 1, 1990, to help resolve the unfunded liability.

(3) The legislature further determines that in order to prevent the creation of a new unfunded liability with respect to claims for injuries for accidents that occur on or after July 1, 1990, certain duties of the state fund should be clarified and legislative oversight of the state fund should be increased.""
Insert: "Section 11. Section 39-71-2352, MCA, is amended to read:

"39-71-2352. Separate payment structure and sources for claims for injuries resulting from accidents that occurred before July 1, 1990, and on or after July 1, 1990 -- spending limit -- authorizing transfer of money. (1) Premiums paid to the state fund based upon wages payable before July 1, 1990, may be used only to administer and pay claims for injuries resulting from accidents that occurred before July 1, 1990. Premiums paid to the state fund based upon wages payable on or after July 1, 1990, may be used only to administer and pay claims for injuries resulting from accidents that occur on or after July 1, 1990.

(2) The state fund shall:

(a) determine the cost of administering and paying claims for injuries resulting from accidents that occurred before July 1, 1990, and separately determine the cost of administering and paying claims for injuries resulting from accidents that occur on or after July 1, 1990;

(b) keep adequate and separate accounts of the costs determined under subsection (2)(a); and

(c) fund administrative expenses and benefit payments for claims for injuries resulting from accidents that occurred before July 1, 1990, and claims for injuries resulting from accidents that occur on or after July 1, 1990, separately from the sources provided by law.

(3) The state fund may not spend more than $1.25 million a year to administer claims for injuries resulting from accidents that occurred before July 1, 1990.

(4) As used in this section, "adequately funded" means the present value of:

(a) the total cost of future benefits remaining to be paid; and

(b) the cost of administering the claims.

(5) An amount of funds in excess of the adequate funding amount established in subsection (4), based on audited financial statements adjusted for unrealized gains and losses, must be transferred to the general fund.

(6) If in any fiscal year after the old fund liability tax is terminated claims for injuries resulting from accidents that occurred before July 1, 1990, are not adequately funded, any amount necessary to pay claims from the account for injuries resulting from accidents that occurred before July 1, 1990, must be transferred to that account by the state fund, based on an adequate surplus as provided in 39-71-2323, or by the state treasurer from the general fund ~~to the account provided for in 39-71-2321~~.

(7) The independent actuary engaged by the state fund pursuant to 39-71-2330 shall project the unpaid claims liability for claims for injuries resulting from accidents that occurred before July 1, 1990, each fiscal year until all claims are paid.""

Insert: "Section 12. Section 52-3-115, MCA, is amended to read:

"52-3-115. (Temporary) Older Montanans trust fund. (1) There is an older Montanans trust fund within the permanent fund type. The trust fund is subject to legislative appropriation as provided in this section.

(2) (a) The money in the fund may be used to create new, innovative services or to expand existing services for the benefit of Montana residents 60 years of age or older that will enable those Montanans to live an independent lifestyle in the least restrictive setting and will promote the dignity of and respect for those Montanans. The interest and income produced by the trust fund and appropriated to the department by the legislature is intended to increase services referred to in this subsection and not to supplant other sources of revenue for those programs in the trended traditional level of appropriations for those services.

(b) As used in subsection (2)(a), the phrase "trended traditional level of appropriations" means the appropriation amounts, including supplemental appropriations, as those amounts were set based on eligibility standards, services authorized, and payment amount during the past five biennial budgets.

(3) The department may accept contributions and gifts for the trust fund in money or other forms, and when accepted, the contributions and gifts must be deposited in the trust fund.

(4) Interest and income earned on money in the trust fund must be retained within the fund except as provided in this section. Until the year 2015, if assets in the fund reach the following amounts, money may be appropriated by the legislature and used in the following amounts for the programs specified in subsection (2):

(a) When the fund balance reaches $20 million, 50% of the interest earned may be appropriated.

(b) When the fund balance reaches $50 million, 60% of the interest earned may be appropriated.

(c) When the fund balance reaches $100 million, 80% of the interest earned may be appropriated.

(5) On and after January 1, 2015, 90% of the interest earned on the trust fund may be appropriated for the programs specified in subsection (2).

(6) The department shall provide to the legislature a biennial report of the expenditures of the money appropriated from the older Montanans trust fund as provided in 5-11-210. (Terminates June 30, 2011--sec. 82, Ch. 489, L. 2009.)

52-3-115. (Effective July 1, 2011) Older Montanans trust fund. (1) There is an older Montanans trust fund within the permanent fund type. The trust fund is subject to legislative appropriation as provided in this section.

(2) The money in the fund may be used to ~~create~~:

(a) fund new, innovative services or ~~to expand~~ existing services for the benefit of Montana residents 60 years of age or older that will enable those Montanans to live an independent lifestyle in the least restrictive setting and will promote the dignity of and respect for those Montanans~~.~~; and ~~The interest and income produced by the trust fund and appropriated to the department by the legislature is intended to increase services referred to in this subsection and not to supplant other sources of revenue for those programs in the trended traditional level, as used in 53-6-1201, of appropriations for those services.~~

(b) fund tobacco prevention and cessation activities.

(3) The department may accept contributions and gifts for the trust fund in money or other forms, and when accepted, the contributions and gifts must be deposited in the trust fund.

(4) Interest and income earned on money in the trust fund must be retained within the fund except as provided in this section. ~~Until the year 2015, if assets in the fund reach the following amounts, money~~ Money may be appropriated by the legislature and used ~~in the following amounts~~ for the programs specified in subsection (2)~~:~~.

~~(a) When the fund balance reaches $20 million, 50% of the interest earned may be appropriated.~~

~~(b) When the fund balance reaches $50 million, 60% of the interest earned may be appropriated.~~

~~(c) When the fund balance reaches $100 million, 80% of the interest earned may be appropriated.~~

~~(5) On and after January 1, 2015, 90% of the interest earned on the trust fund may be appropriated for the programs specified in subsection (2).~~

~~(6)~~(5) The department shall provide to the legislature a biennial report of the expenditures of the money appropriated from the older Montanans trust fund as provided in 5-11-210.""

Renumber: subsequent sections

12. Page 6, line 16.
Following: "**instruction.**"
Insert: (1)"

13. Page 6, line 18.
Strike: "1(4)"
Insert: "1(3)"

14. Page 6, line 20.
Strike: "1(4)"
Insert: "1(3)"

15. Page 6, line 21.
Insert: "If Senate Bill No. 424 and [this act] are both passed and approved, then Senate Bill No. 424 is void."

16. Page 6.
Following: line 26
Insert: "NEW SECTION. **Section 21. Termination.** [Sections 2 and 12] terminate June 30, 2013."

And, as amended, be concurred in. Report adopted.

FISH AND GAME (Brenden, Chairman): 4/5/2011
HB 159, be amended as follows:

1. Title, line 12.
Strike: "PROVIDING PENALTIES;"
Insert: "AND"

2. Title, line 13.
Strike: "87-1-102,"
Strike: "87-1-506,"

3. Title, line 13 through line 14.
Strike: "; AND" on line 13 through "MCA" on line 14

4. Page 2, line 19 through page 6, line 12.
Strike: section 1 in its entirety
Renumber: subsequent sections

5. Page 8, line 16.
Strike: "OR"

6. Page 8, line 17.
Following: "87-3-403"
Insert: "; or
(e) the restriction of the use of rifles for bird hunting pursuant to 87-3-401"

7. Page 10, line 24.
Strike: "OR"

8. Page 10, line 25.
Following: "87-3-403"
Insert: "; or
(e) the restriction of the use of rifles for bird hunting pursuant to 87-3-401"

9. Page 12, line 28 through page 13, line 26.
Strike: section 6 in its entirety
Renumber: subsequent sections

10. Page 14, line 11 through line 13.
Strike: section 8 in its entirety

And, as amended, be concurred in. Report adopted.

HB 363, be concurred in. Report adopted.
HB 475, be concurred in. Report adopted.

TAXATION (Tutvedt, Chairman): 4/6/2011
SJR 23, introduced joint resolution, be amended as follows:

1. Page 1, line 21 through line 22.
Strike: line 21 through line 22 in their entirety

2. Page 2, line 22 through page 3, line 6.
Following: "resources" on page 2, line 22
Insert: ";"
Strike: ". The" on page 2, line 22 through "owned;" on page 3, line 6

3. Page 3, line 7 through line 8.
Strike: "(g)" on line 7
Insert: "(10)"
Following: "base" on line 7
Strike: "; and" on line 7 through "(h)" on line 8
Insert: "and"
Renumber: Subsequent subsection

And, as amended, do pass. Report adopted.

HB 444, be concurred in. Report adopted.
HB 585, be concurred in. Report adopted.

MESSAGES FROM THE OTHER HOUSE

Senate amendments to House bills concurred in: 4/5/2011

HB 12, introduced by Menahan
HB 69, introduced by Menahan
HB 107, introduced by Hollenbaugh
HB 125, introduced by Klock
HB 216, introduced by Miller
HB 295, introduced by Cook
HB 310, introduced by Blyton
HB 336, introduced by Menahan

HB 469, introduced by Clark
HB 522, introduced by Kary
HB 541, introduced by Welborn
HB 552, introduced by Hale
HB 584, introduced by Mehlhoff

Senate bills concurred in as amended and returned to the Senate for concurrence in House amendments:

4/5/2011

SB 16, introduced by Brown
SB 29, introduced by Moss
SB 75, introduced by Sonju
SB 126, introduced by Larsen
SB 149, introduced by Essmann
SB 172, introduced by Lake
SB 338, introduced by Arthun
SB 389, introduced by Van Dyk

Senate joint resolution concurred in as amended and returned to the Senate for concurrence in House amendments:

4/5/2011

SJR 4, introduced by Wittich

This amended bill was returned after the deadline for General Bills. Joint Rule 40-200 requires a 2/3 vote for the bill to be considered by the receiving house.

Senate bills concurred in and returned to the Senate: 4/5/2011

SB 11, introduced by Erickson
SB 30, introduced by Wanzenried
SB 35, introduced by Hamlett
SB 68, introduced by Jent
SB 218, introduced by Steinbeisser
SB 219, introduced by Branae
SB 224, introduced by Priest
SB 237, introduced by Arthun
SB 242, introduced by Brenden
SB 266, introduced by Olson
SB 277, introduced by Moore
SB 278, introduced by Mowbray
SB 312, introduced by Vincent
SB 330, introduced by Walker

MOTIONS

Senator Essmann moved the Senate accede to the House of Representative's request to appoint a **Free** Conference Committee on **HB 43**. Motion Carried. President Peterson appointed:

4/6/2011

Senator Moore, Chair
Senator Tutvedt
Senator Facey

Senator Essmann moved the Senate accede to the House of Representative's request to appoint a Conference Committee on **HB 525**. Motion Carried. President Peterson appointed:

4/6/2011

Senator Facey, Chair
Senator Jackson
Senator Steinbeisser

Senator Essmann moved the Senate accede to the House of Representative's request to appoint a Conference Committee on **HB 258**. Motion Carried. President Peterson appointed:

4/6/2011

Senator Mowbray, Chair
Senator Jackson
Senator Tropila

Senator Essmann moved the Senate accede to the House of Representative's request to appoint a Conference Committee on **HB 297**. Motion Carried. President Peterson appointed:

4/6/2011

Senator Shockley, Chair
Senator Jones
Senator Augare

Senator Essmann moved to appoint a **Free** Conference Committee on **SB 156** and request the House to appoint a like committee. Motion Carried. President Peterson appointed:

4/6/2011

Senator Murphy, Chair
Senator Windy Boy
Senator Priest

Senator Essmann moved to appoint a Conference Committee on **SB 221** and request the House to appoint a like committee. Motion Carried. President Peterson appointed:

4/6/2011

Senator Gillan, Chair
Senator Murphy
Senator Priest

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Essmann moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Balyeat in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 3 - Senator Zinke moved **HB 3** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brown, Buttrey, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Priest, Ripley, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 40

Nays: Balyeat, Brenden, Essmann, Hinkle, Hutton, Sonju, Vincent, Walker, Wittich.
Total 9

Absent or not voting: None.
Total 0

Excused: Olson.
Total 1

HB 4 - Senator Hamlett moved **HB 4** be concurred in.

HB 4 - Senator Hamlett moved **HB 4**, second reading copy, be amended as follows:

1. Page 2.
Following: line 3
Insert: "2011 help America vote grant FY 2011 $48,126 Federal"

2. Page 2, line 7.
Following: "for"
Insert: "the 2011 help America vote grant,"
Following: "grant"
Strike: "and"
Insert: ", the"

3. Page 2, line 8.
Following: the first "grant"
Insert: ","

4. Page 12.
Following: line 12
Insert: "All remaining fiscal year 2011 federal budget amendment authority to provide statewide training on sex offender assessment, treatment, reentry, supervision, and monitoring as identified by the center for sex offender management's assessment of Montana is authorized to continue into federal fiscal year 2012."

Amendment adopted as follows:
Yeas: Arthun, Augare, Balyeat, Blewett, Branae, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Priest, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 41

Nays: Barrett, Brenden, Hinkle, Jackson, Ripley, Sonju, Walker, Wittich.
Total 8

Absent or not voting: None.
Total 0

Excused: Olson.
Total 1

HB 4 - Senator Hamlett moved **HB 4**, as amended, be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Jones, Kaufmann, Keane, Larsen, Lewis, Moore, Moss, Murphy, Priest, Ripley, Shockley, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 38

Nays: Balyeat, Essmann, Hinkle, Hutton, Jackson, Lake, Mowbray, Sonju, Steinbeisser, Walker, Wittich.
Total 11

Absent or not voting: None.
Total 0

Excused: Olson.
Total 1

HB 7 - Senator Keane moved **HB 7** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Priest, Ripley, Shockley, Steinbeisser,

Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 43

Nays: Balyeat, Hinkle, Lake, Sonju, Walker, Wittich.
Total 6

Absent or not voting: None.
Total 0

Excused: Olson.
Total 1

HB 15 - Senator Brown moved **HB 15** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Ripley, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 41

Nays: Balyeat, Essmann, Hinkle, Priest, Sonju, Vincent, Walker, Wittich.
Total 8

Absent or not voting: None.
Total 0

Excused: Olson.
Total 1

HB 230 - Senator Zinke moved **HB 230** be concurred in. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Buttrey, Essmann, Gallus, Hinkle, Hutton, Jackson, Jones, Lake, Larsen, Lewis, Moore, Mowbray, Murphy, Priest, Ripley, Shockley, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 26

Nays: Augare, Blewett, Branae, Brenden, Brown, Caferro, Erickson, Facey, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Moss, Sonju, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 23

Absent or not voting: None.
Total 0

Excused: Olson.
Total 1

HB 533 - Senator Brown moved **HB 533** be concurred in.

HB 533 - Senator Kaufmann moved **HB 533**, second reading copy, be amended as follows:

1. Page 2, line 1.
Following: "shall"
Insert: "conduct an appraisal,"

2. Page 2, line 3.
Strike: "giving"
Insert: "and provide"
Following: "evaluation"
Insert: "and appraisal"

3. Page 2, line 4.
Strike: line 4 in its entirety
Insert: "(b)(i) The board shall allow for a competitive bidding process."

Amendment **not** adopted as follows:
Yeas: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gillan, Hamlett, Hawks, Jent, Kaufmann, Larsen, Moss, Priest, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried, Williams, Windy Boy, Zinke.
Total 21

Nays: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Gallus, Hinkle, Hutton, Jackson, Jones, Keane, Lake, Lewis, Moore, Mowbray, Murphy, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Vuckovich, Walker, Wittich, Mr. President.
Total 28

Absent or not voting: None.
Total 0

Excused: Olson.
Total 1

HB 533 - Thereupon, the Senate reverted to the original motion of Senator Brown which passed as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Gallus, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jones, Keane, Lake, Lewis, Moore, Mowbray, Murphy, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Wanzenried, Windy Boy, Wittich, Zinke, Mr. President.
Total 35

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gillan, Jent, Kaufmann, Larsen, Moss, Stewart-Peregoy, Van Dyk, Williams.
Total 14

Absent or not voting: None.
Total 0

Excused: Olson.
Total 1

SB 1 - **House Amendments** - Senator Tutvedt moved House amendments to **SB 1** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Olson.
Total 1

SB 15 - **House Amendments** - Senator Jent moved House amendments to **SB 15** be concurred in. Motion carried as follows:
Yeas: Augare, Blewett, Branae, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Kaufmann, Keane, Lake, Larsen, Lewis, Moss, Mowbray, Murphy, Priest, Shockley, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Williams, Mr. President.
Total 34

Nays: Arthun, Balyeat, Barrett, Brenden, Brown, Hinkle, Jones, Moore, Ripley, Sonju, Steinbeisser, Vincent, Windy Boy, Wittich, Zinke.
Total 15

Absent or not voting: None.
Total 0

Excused: Olson.
Total 1

SB 42 - **House Amendments** - Senator Shockley moved House amendments to **SB 42** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Williams, Zinke, Mr. President.
Total 43

Nays: Balyeat, Hinkle, Murphy, Vincent, Windy Boy, Wittich.
Total 6

Absent or not voting: None.
Total 0

Excused: Olson.
Total 1

SB 100 - Senator Shockley moved consideration of **SB 100** be passed for the day. Motion carried.

Senator Sonju assumed the chair.

SB 198 - **House Amendments** - Senator Balyeat moved House amendments to **SB 198** be concurred in. Motion **failed** as follows:
Yeas: Arthun, Balyeat, Barrett, Brown, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Mr. President.
Total 24

Nays: Augare, Blewett, Branae, Brenden, Buttrey, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke.
Total 25

Absent or not voting: None.
Total 0

Excused: Olson.
Total 1

Senator Balyeat reassumed the chair.

SB 347 - **House Amendments** - Senator Lake moved House amendments to **SB 347** be concurred in. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Lewis, Moore, Moss, Mowbray, Murphy, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Windy Boy, Wittich, Zinke, Mr. President.
Total 45

Nays: Kaufmann, Larsen, Wanzenried, Williams.
Total 4

Absent or not voting: None.
Total 0

Excused: Olson.
Total 1

Senator Essmann moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Peterson in the chair. Chairman Balyeat moved the Committee of the Whole report be adopted. Report adopted as follows:
Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Williams, Wittich, Zinke, Mr. President.
Total 45

Nays: Balyeat, Kaufmann, Wanzenried, Windy Boy.
Total 4

Absent or not voting: None.
Total 0

Excused: Olson.
Total 1

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SJR 22 adopted as follows:
Yeas: Arthun, Balyeat, Blewett, Branae, Brenden, Brown, Caferro, Erickson, Essmann, Facey, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jones, Kaufmann, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Priest, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wanzenried, Williams, Wittich, Zinke, Mr. President.

Total 37

Nays: Augare, Barrett, Buttrey, Gallus, Jent, Keane, Ripley, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Windy Boy.
Total 12

Absent or not voting: None.
Total 0

Excused: Olson.
Total 1

SJR 25 adopted as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Olson.
Total 1

HB 196 concurred in as follows:
Yeas: Arthun, Balyeat, Barrett, Branae, Brenden, Brown, Buttrey, Caferro, Facey, Gallus, Gillan, Hamlett, Hinkle, Hutton, Jackson, Jones, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tutvedt, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 40

Nays: Augare, Blewett, Erickson, Essmann, Hawks, Jent, Kaufmann, Tropila, Van Dyk.
Total 9

Absent or not voting: None.
Total 0

Excused: Olson.
Total 1

HB 602 concurred in as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 48

Nays: Van Dyk.
Total 1

Absent or not voting: None.
Total 0

Excused: Olson.
Total 1

SB 54 passed as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 27

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Absent or not voting: None.
Total 0

Excused: Olson.
Total 1

SB 59 passed as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Priest, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 46

Nays: Lake, Ripley, Walker.
Total 3

Absent or not voting: None.
Total 0

Excused: Olson.
Total 1

SB 108 passed as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jones, Keane, Lake, Lewis, Moore, Moss, Mowbray, Murphy, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Wanzenried, Wittich, Zinke, Mr. President.
Total 42

Nays: Erickson, Jent, Kaufmann, Larsen, Van Dyk, Williams, Windy Boy.
Total 7

Absent or not voting: None.
Total 0

Excused: Olson.
Total 1

SB 124 passed as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Wittich, Zinke, Mr. President.
Total 46

Nays: Caferro, Kaufmann, Windy Boy.
Total 3

Absent or not voting: None.
Total 0

Excused: Olson.
Total 1

SB 135 passed as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Brenden, Brown, Buttrey, Essmann, Facey, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Wanzenried, Windy Boy, Wittich, Zinke, Mr. President.

Total 38

Nays: Branae, Caferro, Erickson, Gallus, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Van Dyk, Williams.
Total 11

Absent or not voting: None.
Total 0

Excused: Olson.
Total 1

SB 136 passed as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 45

Nays: Erickson, Kaufmann, Stewart-Peregoy, Van Dyk.
Total 4

Absent or not voting: None.
Total 0

Excused: Olson.
Total 1

SB 138 passed as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 48

Nays: Tropila.
Total 1

Absent or not voting: None.
Total 0

Excused: Olson.
Total 1

SB 173 passed as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Branae, Brenden, Brown, Buttrey, Caferro, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jent, Jones, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 43

Nays: Blewett, Erickson, Jackson, Kaufmann, Van Dyk, Wittich.
Total 6

Absent or not voting: None.
Total 0

Excused: Olson.
Total 1

SB 201 passed as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Caferro, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wanzenried, Wittich, Zinke, Mr. President.
Total 29

Nays: Augare, Blewett, Branae, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Williams, Windy Boy.
Total 20

Absent or not voting: None.
Total 0

Excused: Olson.
Total 1

SB 212 passed as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Gallus, Hinkle, Hutton, Jackson, Jones, Keane, Lake, Lewis, Moore, Mowbray, Murphy, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Vuckovich, Walker, Wittich, Zinke, Mr. President.
Total 30

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gillan, Hamlett, Hawks, Jent, Kaufmann, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried, Williams, Windy Boy.
Total 19

Absent or not voting: None.
Total 0

Excused: Olson.
Total 1

SB 234 passed as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Essmann, Facey, Gallus, Gillan, Hamlett, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 45

Nays: Erickson, Hawks, Kaufmann, Van Dyk.
Total 4

Absent or not voting: None.
Total 0

Excused: Olson.
Total 1

SB 238 passed as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Olson.
Total 1

SB 241 passed as follows:
Yeas: Arthun, Balyeat, Barrett, Branae, Brenden, Brown, Buttrey, Caferro, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tropila, Tutvedt, Vincent, Walker, Wanzenried, Williams, Wittich, Zinke, Mr. President.

Total 40

Nays: Augare, Blewett, Erickson, Essmann, Facey, Stewart-Peregoy, Van Dyk, Vuckovich, Windy Boy.
Total 9

Absent or not voting: None.
Total 0

Excused: Olson.
Total 1

SB 255 passed as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Zinke, Mr. President.
Total 26

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Wittich.
Total 23

Absent or not voting: None.
Total 0

Excused: Olson.
Total 1

SB 279 passed as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hamlett, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Van Dyk, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 29

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 20

Absent or not voting: None.
Total 0

Excused: Olson.
Total 1

SB 311 passed as follows:
Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 46

Nays: Balyeat, Tropila, Wittich.
Total 3

Absent or not voting: None.
Total 0

Excused: Olson.
Total 1

SB 327 passed as follows:
Yeas: Augare, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Priest, Ripley, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 43

Nays: Arthun, Balyeat, Hinkle, Lake, Sonju, Walker.
Total 6

Absent or not voting: None.
Total 0

Excused: Olson.
Total 1

SB 340 passed as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Olson.
Total 1

SB 367 passed as follows:
Yeas: Arthun, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 46

Nays: Augare, Facey, Stewart-Peregoy.
Total 3

Absent or not voting: None.
Total 0

Excused: Olson.
Total 1

SPECIAL ORDERS OF THE DAY

SR 7- Senator Barrett moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 7**. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Olson.
Total 1

SR 8 - Senator Barrett moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 8**. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 47

Nays: Jackson, Vincent.
Total 2

Absent or not voting: None.
Total 0

Excused: Olson.
Total 1

SR 9 - Senator Barrett moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 9**. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moss, Mowbray, Murphy, Priest, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 43

Nays: Brenden, Hinkle, Moore, Ripley, Walker, Wittich.
Total 6

Absent or not voting: None.
Total 0

Excused: Olson.
Total 1

SR 10 - Senator Barrett moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 10**. Motion carried as follows:
Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moss, Murphy, Priest, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 42

Nays: Balyeat, Brenden, Jackson, Moore, Mowbray, Ripley, Vincent.
Total 7

Absent or not voting: None.
Total 0

Excused: Olson.
Total 1

SR 11 - Senator Barrett moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 11**. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moss, Mowbray, Murphy, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 48

Nays: Moore.
Total 1

Absent or not voting: None.
Total 0

Excused: Olson.
Total 1

SR 12 - Senator Barrett moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 12**. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moss, Mowbray, Murphy, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 45

Nays: Brenden, Jackson, Moore, Wittich.
Total 4

Absent or not voting: None.
Total 0

Excused: Olson.
Total 1

REPORTS OF STANDING COMMITTEES

AGRICULTURE, LIVESTOCK AND IRRIGATION (Steinbeisser, Chairman): 4/5/2011
SR 4, introduced resolution, be amended as follows:

1. Page 1, line 15.
Strike: "January 1, 2013"
Insert: "April 18, 2013"

And, as amended, be adopted. **Preliminary** report adopted.

FINANCE AND CLAIMS (Lewis, Chairman): 4/6/2011
HB 388, be concurred in. Report adopted.
HB 611, be amended as follows:

1. Title, page 1, line 5.
Following: "ACT;"
Insert: "REVISING THE ADVANCING AGRICULTURAL EDUCATION IN MONTANA PROGRAM ACCOUNT; PROVIDING INFLATIONARY INCREASES TO THE BASIC ENTITLEMENT, THE PER-ANB ENTITLEMENT, AND THE QUALITY EDUCATOR PAYMENT;"

2. Title, page 1, line 8.
Following: "SECTIONS"
Insert: "20-7-334, 20-9-306,"
Following: "20-9-516~~;~~"
Insert: ","

3. Page 1, line 12.
Insert: "Section 1. Section 20-7-334, MCA, is amended to read:

"20-7-334. Advancing agricultural education in Montana program account. (1) There is an advancing agricultural education in Montana program account in the state special revenue fund provided for in 17-2-102.

(2) Money in the account <u>and money appropriated by the legislature for the purpose of this section</u> must be used by the office of public instruction for addressing the stability of and making improvements to Montana's agricultural education programs. The office of public instruction shall adopt rules to implement the national quality program standards.

(3) (a) Each agricultural education program in the state that completes the national quality program standard evaluation as adopted by rule and submits a plan of improvement to the office of public instruction's agricultural education specialist ~~must~~ <u>may</u> receive a ~~one-time~~ payment of $500. <u>An agricultural education program may not receive more than one payment in a school year.</u>

(b) Each agricultural education program in the state that submits a detailed budget to increase the quality of its agricultural education program based on the plan of improvement may receive a ~~one-time~~ payment of up to $1,000. <u>An agricultural education program may not</u>

receive more than one payment in a school year.

(c) Each school that adds agricultural education to its curriculum and recruits and retains an endorsed agricultural education teacher must receive a one-time payment of up to $7,500.

(d) Program administrators in Bozeman and Helena must receive a total of $11,250 annually for the costs of providing a minimum of one onsite visit each year to each participating school.""

Insert: "Section 2. Section 20-9-306, MCA, is amended to read:

"20-9-306. Definitions. As used in this title, unless the context clearly indicates otherwise, the following definitions apply:

(1) "BASE" means base amount for school equity.

(2) "BASE aid" means:

(a) direct state aid for 44.7% of the basic entitlement and 44.7% of the total per-ANB entitlement for the general fund budget of a district;

(b) guaranteed tax base aid for an eligible district for any amount up to 35.3% of the basic entitlement, up to 35.3% of the total per-ANB entitlement budgeted in the general fund budget of a district, and 40% of the special education allowable cost payment;

(c) the total quality educator payment;

(d) the total at-risk student payment;

(e) the total Indian education for all payment; and

(f) the total American Indian achievement gap payment.

(3) "BASE budget" means the minimum general fund budget of a district, which includes 80% of the basic entitlement, 80% of the total per-ANB entitlement, 100% of the total quality educator payment, 100% of the total at-risk student payment, 100% of the total Indian education for all payment, 100% of the total American Indian achievement gap payment, and 140% of the special education allowable cost payment.

(4) "BASE budget levy" means the district levy in support of the BASE budget of a district, which may be supplemented by guaranteed tax base aid if the district is eligible under the provisions of 20-9-366 through 20-9-369.

(5) "BASE funding program" means the state program for the equitable distribution of the state's share of the cost of Montana's basic system of public elementary schools and high schools, through county equalization aid as provided in 20-9-331 and 20-9-333 and state equalization aid as provided in 20-9-343, in support of the BASE budgets of districts and special education allowable cost payments as provided in 20-9-321.

(6) "Basic entitlement" means:

(a) for each high school district:

(i) ~~$246,085~~ $258,284 for fiscal year ~~2010~~ 2012; and

(ii) ~~$253,468~~ $262,236 for each succeeding fiscal year;

(b) for each elementary school district or K-12 district elementary program without an approved and accredited junior high school, 7th and 8th grade program, or middle school:

(i) ~~$22,141~~ $23,238 for fiscal year ~~2010~~ 2012;

(ii) ~~$22,805~~ $23,594 for each succeeding fiscal year; and

(c) for each elementary school district or K-12 district elementary program with an approved and accredited junior high school, 7th and 8th grade program, or middle school:

(i) for kindergarten through grade 6 elementary program:

(A) ~~$22,141~~ $23,238 for fiscal year ~~2010~~ 2012; and

(B) ~~$22,805~~ $23,594 for each succeeding fiscal year; plus

(ii) for an approved and accredited junior high school program, 7th and 8th grade program, or middle school:

(A) ~~$62,704~~ $65,812 for fiscal year ~~2010~~ 2012; and

(B) ~~$64,585~~ $66,819 for each succeeding fiscal year.

(7) "Budget unit" means the unit for which the ANB of a district is calculated separately pursuant to 20-9-311.

(8) "Direct state aid" means 44.7% of the basic entitlement and 44.7% of the total per-ANB entitlement for the general fund budget of a district and funded with state and county equalization aid.

(9) "Maximum general fund budget" means a district's general fund budget amount calculated from the basic entitlement for the district, the total per-ANB entitlement for the district, the total quality educator payment, the total at-risk student payment, the total Indian education for all payment, the total American Indian achievement gap payment, and the greater of:

(a) 175% of special education allowable cost payments; or

(b) the ratio, expressed as a percentage, of the district's special education allowable cost expenditures to the district's special education allowable cost payment for the fiscal year that is 2 years previous, with a maximum allowable ratio of 200%.

(10) "Over-BASE budget levy" means the district levy in support of any general fund amount budgeted that is above the BASE budget and below the maximum general fund budget for a district.

(11) "Total American Indian achievement gap payment" means the payment resulting from multiplying $200 times the number of American Indian students enrolled in the district as provided in 20-9-330.

(12) "Total at-risk student payment" means the payment resulting from the distribution of any funds appropriated for the purposes of 20-9-328.

(13) "Total Indian education for all payment" means the payment resulting from multiplying $20.40 times the ANB of the district or $100 for each district, whichever is greater, as provided for in 20-9-329.

(14) "Total per-ANB entitlement" means the district entitlement resulting from the following calculations and using either the current year ANB or the 3-year ANB provided for in 20-9-311:

(a) for a high school district or a K-12 district high school program, a maximum rate of ~~$6,097~~ $6,399 for fiscal year ~~2010~~ 2012 and ~~$6,280~~ $6,497 for each succeeding fiscal year for the first ANB, decreased at the rate of 50 cents per ANB for each additional ANB of the district up through 800 ANB, with each ANB in excess of 800 receiving the same amount of entitlement as the 800th ANB;

(b) for an elementary school district or a K-12 district elementary program without an approved and accredited junior high school, 7th and 8th grade program, or middle school, a maximum rate of ~~$4,763~~ $4,999 for fiscal year ~~2010~~ 2012 and ~~$4,906~~ $5,075 for each succeeding fiscal year for the first ANB, decreased at the rate of 20 cents per ANB for each additional ANB of the district up through 1,000 ANB, with each ANB in excess of 1,000 receiving the same amount of entitlement as the 1,000th ANB; and

(c) for an elementary school district or a K-12 district elementary program with an approved and accredited junior high school, 7th and 8th grade program, or middle school, the sum of:

(i) a maximum rate of ~~$4,763~~ $4,999 for fiscal year ~~2010~~ 2012 and ~~$4,906~~ $5,075 for each succeeding fiscal year for the first ANB for kindergarten through grade 6, decreased at the rate of 20 cents per ANB for each additional ANB up through 1,000 ANB, with each ANB in excess of 1,000 receiving the same amount of entitlement as the 1,000th ANB; and

(ii) a maximum rate of ~~$6,097~~ $6,399 for fiscal year ~~2010~~ 2012 and ~~$6,280~~ $6,497 for each succeeding fiscal year for the first ANB for grades 7 and 8, decreased at the rate of 50 cents per ANB for each additional ANB for grades 7 and 8 up through 800 ANB, with each ANB in excess of 800 receiving the same amount of entitlement as the 800th ANB.

(15) "Total quality educator payment" means the payment resulting from multiplying ~~$3,036~~ $3,042 for fiscal year ~~2008~~ 2012 and ~~$3,042~~ $3,089 for each succeeding fiscal year times the number of full-time equivalent educators as provided in 20-9-327.""

Renumber: subsequent sections

4. Page 3, line 9.

Insert: "COORDINATION SECTION. **Section 5. Coordination instruction.** If House Bill No. 2 is not passed and approved, then [this act] is void."

Renumber: subsequent sections

And, as amended, be concurred in. Report adopted.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Essmann moved that the Senate adjourn until 1:00 p.m., Thursday, April 7, 2011. Motion carried.

Senate adjourned at 2:39 p.m.

MARILYN MILLER
Secretary of the Senate

JIM PETERSON
President of the Senate

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SENATE JOURNAL
62ND LEGISLATURE
SEVENTY-EIGHTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
April 7, 2011 — State Capitol

Senate convened at 1:00 p.m. President Peterson presiding. Invocation by Chaplain Keith Johnson. Pledge of Allegiance to the Flag. Roll Call. All members present, except Senators Augare and Williams, excused. Quorum present.

Senator Williams present.

BILLS AND JOURNALS: 4/7/2011

Correctly printed: **SR 13**, **SR 19**, **HB 3**, **HB 7**, **HB 15**, **HB 230**, **HB 363**, **HB 388**, **HB 444**, **HB 475**, **HB 533**, **HB 585**, **HB 615**.
Correctly engrossed: **HB 4**, **HB 159**, **HB 604**, **HB 611**, **SJR 23**.
Correctly enrolled: **SB 11**, **SB 30**, **SB 35**, **SB 68**, **SB 218**, **SB 219**, **SB 224**, **SB 237**, **SB 242**, **SB 266**, **SB 277**, **SB 278**, **SB 312**, **SB 330**.
Examined by the sponsor and found to be correct: **SB 307**, **SB 337**.
Examined by the sponsor and found to be correct: **SB 11**, **SB 30**, **SB 35**, **SB 68**, **SB 218**, **SB 219**, **SB 224**, **SB 237**, **SB 242**, **SB 246**, **SB 266**, **SB 277**, **SB 278**, **SB 285**, **SB 286**, **SB 330**, **SB 374**, **SJR 6**.
Signed by the Speaker at 3:58 p.m., April 6, 2011: **SB 9**, **SB 160**, **SB 183**, **SB 194**, **SB 223**, **SB 236**, **SB 248**, **SB 275**, **SB 280**, **SB 287**, **SB 290**, **SB 355**, **SB 366**.
Signed by the President at 2:05 p.m., April 6, 2011: **SB 9**, **SB 160**, **SB 183**, **SB 194**, **SB 223**, **SB 236**, **SB 248**, **SB 275**, **SB 280**, **SB 287**, **SB 290**, **SB 355**, **SB 366**.
Signed by the Secretary of the Senate at 10:40 a.m., April 6, 2011: **SB 9**, **SB 160**, **SB 183**, **SB 194**, **SB 223**, **SB 236**, **SB 248**, **SB 275**, **SB 280**, **SB 287**, **SB 290**, **SB 355**, **SB 366**, **SJR 7**, **SJR 12**.
Delivered to the Governor at 4:35 p.m., April 6, 2011: **SB 9**, **SB 160**, **SB 183**, **SB 194**, **SB 223**, **SB 236**, **SB 248**, **SB 275**, **SB 280**, **SB 287**, **SB 290**, **SB 355**, **SB 366**.
Signed by the Speaker at 3:58 p.m., April 6, 2011: **SJR 7**, **SJR 12**.
Signed by the President at 2:05 p.m., April 6, 2011: **SJR 7**, **SJR 12**.
Signed by the Secretary of the Senate at 10:40 a.m., April 6, 2011: **SJR 7**, **SJR 12**.
Delivered to the Secretary of State at 9:14 a.m., April 7, 2011: **SJR 7**, **SJR 12**.

Mr. President: We, your committee on Bills and Journals, having examined the daily journals for the fifty-sixth, fifty-seventh, fifty-eighth, fifty-ninth, and sixtieth legislative days, find the same to be correct.

Senator Brown, Chair

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Balyeat, Chairman): 4/7/2011
SR 26, be adopted. **Preliminary** report adopted.

HB 186, be amended as follows:

1. Title, page 1, line 5.
Strike: "$1 MILLION"
Insert: "$500,000"

2. Page 5, line 10.
Strike: "$1 million"
Insert: "$500,000"

3. Page 5.
Following: line 29
Insert: "(5) If a not-for-profit corporation that receives matching dollars for workplace safety from the state issues a request for proposals, a report on any best practices for workplace safety developed as a result, including any data collected or benchmarks for improving safety, may be provided to the department and the appropriate legislative interim committee by September of any year preceding a regular legislative session."

And, as amended, be concurred in. Report adopted.

HB 188, be concurred in. Report adopted.
HB 283, be amended as follows:

1. Title, page 1, lines 8 through 9.
Strike: "IMPOSING A FEE" on line 8 through "BASED ON SEX;" on line 10

2. Title, page 1, line 11.
Strike: "SECTIONS 33-2-708, 33-16-203, AND"
Insert: "SECTION"

3. Page 2, line 2 through page 5, line 26.
Strike: sections 1 and 2 in their entirety
Renumber: subsequent sections

And, as amended, be concurred in. Report adopted.

HB 577, be concurred in. Report adopted.

FINANCE AND CLAIMS (Lewis, Chairman): 4/7/2011
HB 140, be amended as follows:

1. Page 2, line 17.
Strike: "2013"
Insert: "2014"

2. Page 2, line 23.
Strike: "2013"
Insert: "2014"

3. Page 4, line 17.
Following: "biennium"
Insert: "and in fiscal year 2014"

4. Page 4, line 25.
Strike: "2015"
Insert: "2014"

And, as amended, be concurred in. Report adopted.

HB 316, be amended as follows:

1. Title, page 1, line 12 through line 13.
Following: "TAXES;" on line 12
Strike: remainder of line 12 through "TAXES;" on line 13

2. Title, page 1, line 16 through line 17.
Following: "~~FEES;~~" on line 16
Strike: remainder of line 16 through "TAX;" on line 17

3. Title, page 1, line 27.
Following: "~~FEES~~;"
Insert: "LIMITING A DISTRICT'S PERCENTAGE RETENTION OF OIL AND NATURAL GAS PRODUCTION TAXES;"

4. Title, page 1, line 29.
Strike: "15-37-117,"

5. Title, page 1, line 30.
Strike: "15-65-121,"

6. Page 8, line 15.
Strike: subsection (i) in its entirety
Renumber: subsequent subsections

7. Page 8, line 20.
Strike: "1.88%"
Insert: "2.12%"

8. Page 8, line 25 through page 9, line 26.
Strike: section 3 in its entirety

Renumber: subsequent sections

9. Page 11, line 20.
Strike: "At the beginning of"
Insert: "For"

10. Page 13, line 23 through page 15, line 6.
Strike: section 6 in its entirety
Renumber: subsequent sections

11. Page 20, line 25.
Insert: "NEW SECTION. **Section 6. Oil and natural gas production taxes for school districts -- allocation and limits.** (1) In accordance with 20-9-141, the trustees of a district receiving oil and natural gas production taxes shall adopt an estimate of those taxes anticipated to be received by the district in any given school fiscal year.

(2) The maximum amount of oil and natural gas production taxes that a school district may retain is 100% of the school district's BASE budget, as defined in 20-9-306.

(3) Upon receipt of school district budget reports required under 20-9-134, the superintendent of public instruction shall provide the department of revenue with a list reporting the BASE budget for each school district.

(4) The department of revenue shall make the full quarterly distribution of oil and natural gas production taxes as required under 15-36-332(6) until the amount distributed reaches the limitation in subsection (2) of this section.

(5) Any amount in excess of the limits in subsection (2) must be retained by the department of revenue for deposit in the state general fund."
Renumber: subsequent sections

12. Page 38, line 19.
Insert: "NEW SECTION. **Section 12. Codification instruction.** [Section 6] is intended to be codified as an integral part of Title 20, chapter 9, and the provisions of Title 20, chapter 9, apply to [section 6]."
Renumber: subsequent sections

13. Page 38, line 26.
Following: "**TERMINATION.**"
Strike: "[THIS ACT]"
Insert: "(1) Except as provided in subsection (2), [this act]"

14. Page 38, line 27.
Insert: "(2) [Section 6] terminates June 30, 2014."

And, as amended, be concurred in. Report adopted.

HB 317, be amended as follows:

1. Title, page 1, line 15.
Strike: "77-1-108,"

2. Page 38, line 14.
Strike: "77-1-108;"

3. Page 64, line 19 through page 65, line 29.
Strike: section 41 in its entirety
Renumber: subsequent sections

And, as amended, be concurred in. Report adopted.

HB 439, be amended as follows:

1. Page 1, line 28.
Strike: "$20,000,000"
Insert: "$35,000,000"

2. Page 4, line 6.
Strike: "$20,000,000"
Insert: "$35,000,000"

And, as amended, be concurred in. Report adopted.

FISH AND GAME (Brenden, Chairman): 4/6/2011
HB 372, be amended as follows:

1. Title, page 1, line 6.
Strike: "A DELAYED"
Insert: "AN"

2. Page 5, line 27.
Strike: "March 1, 2012"
Insert: "July 1, 2011"

And, as amended, be concurred in. Report adopted.

HB 387, be amended as follows:

1. Page 12, line 17.
Strike: "six"
Insert: "five"

2. Page 12.
Following: line 21
Insert: "COORDINATION SECTION. **Section 10. Coordination instruction.** If both House Bill No. 372 and [this act] are passed and approved, then [section 2 of House Bill No. 372] and [section 7 of this act] are void and [section 7 of this act] must read as follows:

"NEW SECTION. **Section 7. Nonresident elk and deer license preference point system.** (1) The department shall establish a preference point system to distribute Class B-10 nonresident big game combination licenses and Class B-11 nonresident deer combination licenses.

(2) In addition to payment of any fees established in 87-2-113, 87-2-505, and 87-2-510, nonresidents applying to purchase a Class B-10 or Class B-11 license may purchase a preference point, upon payment of a nonrefundable $50 fee, that gives an applicant who has more preference points priority to receive a Class B-10 or Class B-11 license over an applicant who has purchased fewer preference points.

(3) An applicant may:

(a) purchase only one preference point per license year; and

(b) purchase a preference point without applying for a Class B-10 or Class B-11 license. An applicant not applying for a Class B-10 or Class B-11 license may purchase a preference point only between July 1 and September 30 prior to the applicable license year. The department shall delete an applicant's accumulated preference points if the applicant does not apply for a Class B-10 or Class B-11 license for 2 consecutive years.

(4) Except as provided in subsection (3)(b), the department may not delete an applicant's accumulated preference points unless the applicant obtains the license applied for, in which case the department shall delete the applicant's accumulated preference points.

(5) The department shall issue 75% of the Class B-10 and Class B-11 licenses made available for purchase pursuant to 87-2-505 and 87-2-510 by drawings in which the licenses are awarded to applicants in the order of which applicants have purchased the greatest number of preference points. If the number of licenses to be issued under this subsection exceeds the number of applicants who have purchased preference points, the remaining licenses must be added to the licenses issued pursuant to subsection (6).

(6) The department shall issue 25% of the Class B-10 and Class B-11 licenses made available for purchase pursuant to 87-2-505 and 87-2-510 by drawings in which the licenses are awarded to applicants who have not purchased any preference points. If the number of licenses to be issued under this subsection exceeds the number of applicants who have not purchased preference points, the remaining licenses must be added to the licenses issued pursuant to subsection (5).

(7) The department shall conduct a drawing for the issuance of special elk or deer permits for all nonresident applicants at the same time, regardless of whether an applicant has obtained a Class B-10 or Class B-11 license pursuant to [section 8].

(8) Up to five applicants may apply as a party under this section. The department shall use an average of the number of preference points accumulated by those applicants to determine their priority in receiving licenses issued pursuant to subsection (5). The department shall consider any fraction that results from the calculation of an average when determining that priority.""
Renumber: subsequent sections

And, as amended, be concurred in. Report adopted.

HB 607, be concurred in. Report adopted.

JUDICIARY (Murphy, Chairman): 4/7/2011
HB 492, be concurred in. Report adopted.
HB 518, be concurred in. Report adopted.
HB 638, be amended as follows:

1. Page 1, line 13.
Following: "alien"
Insert: "and shall comply with the requirements of this section"

2. Page 1.
Following: line 20
Insert: "(5) A state agency shall execute any written agreement required by federal law to implement this section."
Renumber: subsequent subsection

3. Page 2.
Following: line 15
Insert: "COORDINATION SECTION. **Section 3. Coordination instruction.** If House Bill No. 534 is passed and approved, then [this act] is void."
Renumber: subsequent sections

And, as amended, be concurred in. Report adopted.

LOCAL GOVERNMENT (Sonju, Chairman): 4/6/2011
SR 28, do adopt. Report adopted.
HB 494, be concurred in. Report adopted.
HB 560, be concurred in. Report adopted.
HB 561, be concurred in. Report adopted.
HB 562, be concurred in. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Priest, Chairman): 4/6/2011

SJR 27, do pass. Report adopted.
SR 29, be adopted. **Preliminary** report adopted.
HB 377, be concurred in. Report adopted.
HB 409, be concurred in. Report adopted.
HB 565, be concurred in. Report adopted.
HB 609, be concurred in. Report adopted.

TAXATION (Tutvedt, Chairman): 4/7/2011
HB 641, be concurred in. Report adopted.

REPORTS OF SELECT COMMITTEES

CONFERENCE COMMITTEE
on Senate Amendments to **House Bill 271**
Report No. 1, April 7, 2011

Mr. President and Mr. Speaker:
We, your Conference Committee met and considered Senate amendments to **House Bill 271** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 271** (reference copy -- salmon) be amended as follows:

1. Title, page 1, line 9 and line 10.
Strike: "UNDER" on line 9 through "WEAPON" on, line 10
Insert: "TO POSSESS A HANDGUN UNDER STATE OR FEDERAL LAW"

2. Page 1, line 22.
Following: "person"
Insert: "eligible to possess a handgun under state or federal law, a person"
Following: ","
Insert: "or"

3. Page 1, line 23 through line 25.
Strike: ", OR" on page 1, line 23 through "COURSE" on page 1, line 25

For the House:

Kerns, Chair
Mehlhoff
Skattum

For the Senate:

Shockley, Vice Chair
Hinkle

MESSAGES FROM THE GOVERNOR

March 30, 2011

The Honorable Jim Peterson
President of the Senate
State Capitol
Helena, Montana 59620

Dear Senator Peterson:

Please be informed that I have signed **Senate Bill 32** sponsored by Senator Wanzenried, **Senate Bill 34** sponsored by Senator Essmann, **Senate Bill 38** sponsored by Senator Hawks, **Senate Bill 47** sponsored by Senator Vincent, **Senate Bill 67** sponsored by Senator Shockley, **Senate Bill 103**

sponsored by Senator Jackson, **Senate Bill 128** sponsored by Senator Lake, and **Senate Bill 342** sponsored by Senator Buttrey on March 30, 2011.

Sincerely,

BRIAN SCHWEITZER
Governor

MESSAGES FROM THE OTHER HOUSE

Senate amendments to House bills concurred in: 4/6/2011

HB 166, introduced by Esp
HB 277, introduced by Washburn
HB 291, introduced by Sesso
HB 538, introduced by K. Peterson
HB 548, introduced by Bangerter

Senate bills concurred in and returned to the Senate: 4/6/2011

SB 87, introduced by Steinbeisser
SB 99, introduced by Brenden
SB 110, introduced by Brenden
SB 166, introduced by Balyeat
SB 195, introduced by Ripley
SB 385, introduced by Caferro

Senate joint resolution concurred in and returned to the Senate: 4/6/2011

SJR 8, introduced by Hawks

MOTIONS

Senator Gillan requested clarification as to whether the rules would allow **HB 609** to proceed given a similar bill, **HB 206**, had failed on third reading.

FIRST READING AND COMMITMENT OF BILLS

The following Senate joint resolution was introduced, read first time, and referred to committee:

SJR 29, introduced by Hinkle, Kaufmann, referred to Judiciary.

The following Senate resolutions were introduced, read first time, and referred to committees:

SR 30, introduced by Murphy, referred to Judiciary.

SR 31, introduced by J. Peterson, referred to Agriculture, Livestock and Irrigation.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Essmann moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Priest in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 6 - Senator Zinke moved consideration of **HB 6** be placed at the bottom of the second reading board. Motion carried.

SB 100 - **House Amendments** - Senator Shockley moved House amendments to **SB 100** be concurred in. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Branae, Brenden, Brown, Buttrey, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tutvedt, Vincent, Vuckovich, Walker, Wanzenried, Wittich, Zinke, Mr. President.
Total 40

Nays: Blewett, Caferro, Erickson, Kaufmann, Larsen, Tropila, Van Dyk, Williams, Windy Boy.
Total 9

Absent or not voting: None.
Total 0

Excused: Augare.
Total 1

HB 5 - Senator Hamlett moved **HB 5** be concurred in. Motion carried as follows:
Yeas: Arthun, Barrett, Blewett, Branae, Brown, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jent, Jones, Kaufmann, Keane, Larsen, Lewis, Moss, Mowbray, Murphy, Olson, Priest, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Williams, Zinke, Mr. President.
Total 36

Nays: Balyeat, Brenden, Buttrey, Hinkle, Jackson, Lake, Moore, Ripley, Sonju, Vincent, Walker, Windy Boy, Wittich.
Total 13

Absent or not voting: None.
Total 0

Excused: Augare.
Total 1

HB 8 - Senator Lewis moved **HB 8** be concurred in. Motion carried as follows:
Yeas: Arthun, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 44

Nays: Balyeat, Essmann, Hinkle, Walker, Wittich.
Total 5

Absent or not voting: None.
Total 0

Excused: Augare.
Total 1

HB 83 - Senator Tutvedt moved **HB 83** be concurred in. Motion carried as follows:
Yeas: Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 41

Nays: Arthun, Balyeat, Hinkle, Jackson, Sonju, Vincent, Walker, Wittich.
Total 8

Absent or not voting: None.
Total 0

Excused: Augare.
Total 1

HB 165 - Senator J. Peterson moved **HB 165** be concurred in. Motion carried as follows:
Yeas: Arthun, Barrett, Brenden, Brown, Buttrey, Essmann, Gallus, Hutton, Jackson, Jones, Keane, Lake, Larsen, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Zinke, Mr. President.
Total 28

Nays: Balyeat, Blewett, Branae, Caferro, Erickson, Facey, Gillan, Hamlett, Hawks, Hinkle, Jent, Kaufmann, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy

Boy, Wittich.
Total 21

Absent or not voting: None.
Total 0

Excused: Augare.
Total 1

HB 262 - Senator Buttrey moved **HB 262** be concurred in. Motion carried as follows:
Yeas: Arthun, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Ripley, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 41

Nays: Balyeat, Essmann, Hinkle, Priest, Sonju, Vincent, Walker, Wittich.
Total 8

Absent or not voting: None.
Total 0

Excused: Augare.
Total 1

HB 411 - Senator Larsen moved **HB 411** be concurred in. Motion carried as follows:
Yeas: Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 42

Nays: Arthun, Essmann, Hutton, Moore, Steinbeisser, Walker, Wittich.
Total 7

Absent or not voting: None.
Total 0

Excused: Augare.
Total 1

HB 551 - Senator Priest moved consideration of **HB 551** be placed at the bottom of the second reading board. Motion carried.

HB 587 - Senator Kaufmann moved **HB 587** be concurred in. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Augare.
Total 1

HB 619 - Senator Ripley moved **HB 619** be concurred in. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 47

Nays: Blewett, Van Dyk.
Total 2

Absent or not voting: None.
Total 0

Excused: Augare.
Total 1

SB 294 - **Governor's Amendments** - Senator Buttrey moved Governor's amendments to **SB 294** be concurred in. Motion carried as follows:
Yeas: Arthun, Barrett, Blewett, Branae, Brown, Buttrey, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Priest, Ripley, Sonju, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 40

Nays: Balyeat, Brenden, Essmann, Hinkle, Olson, Shockley, Steinbeisser, Walker, Wittich.
Total 9

Absent or not voting: None.
Total 0

Excused: Augare.
Total 1

SB 351 - **Governor's Amendments** - Senator Ripley moved Governor's amendments to **SB 351** be concurred in. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Augare.
Total 1

HB 307 - **Governor's Amendments** - Senator Moore moved Governor's amendments to **HB 307 be not concurred in**. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 27

Nays: Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Murphy, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Absent or not voting: None.
Total 0

Excused: Augare.
Total 1

SB 29 - **House Amendments** - Senator Moss moved House amendments to **SB 29 be not concurred in**. Motion carried as follows:
Yeas: Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent,

Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 21

Nays: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Absent or not voting: None.
Total 0

Excused: Augare.
Total 1

SB 126 - **House Amendments** - Senator Larsen moved House amendments to **SB 126 be not concurred in**. Motion carried as follows:
Yeas: Arthun, Barrett, Blewett, Branae, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 44

Nays: Balyeat, Brenden, Hinkle, Walker, Wittich.
Total 5

Absent or not voting: None.
Total 0

Excused: Augare.
Total 1

SB 75 - **House Amendments** - Senator Sonju moved House amendments to **SB 75** be concurred in. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Augare.
Total 1

SB 149 - **House Amendments** - Senator Essmann moved House amendments to **SB 149** be concurred in. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Larsen, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Wanzenried, Windy Boy, Wittich, Zinke, Mr. President.
Total 43

Nays: Caferro, Erickson, Kaufmann, Moss, Van Dyk, Williams.
Total 6

Absent or not voting: None.
Total 0

Excused: Augare.
Total 1

SB 172 - **House Amendments** - Senator Lake moved House amendments to **SB 172** be concurred in. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Wanzenried, Windy Boy, Zinke, Mr. President.
Total 43

Nays: Buttrey, Essmann, Kaufmann, Van Dyk, Williams, Wittich.
Total 6

Absent or not voting: None.
Total 0

Excused: Augare.
Total 1

SB 338 - **House Amendments** - Senator Arthun moved House amendments to **SB 338 be not concurred in**. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Caferro, Essmann, Facey, Gallus,

Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tropila, Tutvedt, Vincent, Walker, Wanzenried, Windy Boy, Wittich, Zinke, Mr. President.
Total 37

Nays: Blewett, Branae, Erickson, Gillan, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Van Dyk, Vuckovich, Williams.
Total 12

Absent or not voting: None.
Total 0

Excused: Augare.
Total 1

SB 389 - **House Amendments** - Senator Van Dyk moved House amendments to **SB 389** be concurred in. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Wittich, Zinke, Mr. President.
Total 48

Nays: Windy Boy.
Total 1

Absent or not voting: None.
Total 0

Excused: Augare.
Total 1

Senator Sonju assumed the chair.

HB 6 - Senator Zinke moved **HB 6** be concurred in.

HB 6 - Senator Wanzenried moved **HB 6**, second reading copy, be amended as follows:

1. Page 7, line 4 through line 5.
Strike: line 4 through line 5 in their entirety

Amendment adopted as follows:
Yeas: Arthun, Blewett, Branae, Brown, Buttrey, Caferro, Erickson, Facey, Gallus, Gillan, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Lewis, Moss, Mowbray,

Murphy, Priest, Shockley, Sonju, Stewart-Peregoy, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Williams, Zinke, Mr. President.
Total 34

Nays: Balyeat, Barrett, Brenden, Essmann, Hamlett, Larsen, Moore, Olson, Ripley, Steinbeisser, Tropila, Vincent, Walker, Windy Boy, Wittich.
Total 15

Absent or not voting: None.
Total 0

Excused: Augare.
Total 1

HB 6 - Senator Zinke moved **HB 6**, as amended, be concurred in. Motion carried as follows:
Yeas: Arthun, Barrett, Blewett, Branae, Brown, Buttrey, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Larsen, Lewis, Moss, Mowbray, Murphy, Olson, Priest, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 38

Nays: Balyeat, Brenden, Essmann, Hinkle, Lake, Moore, Ripley, Sonju, Tutvedt, Vincent, Walker.
Total 11

Absent or not voting: None.
Total 0

Excused: Augare.
Total 1

HB 551 - Senator Priest moved **HB 551** be concurred in. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Facey, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 29

Nays: Blewett, Branae, Caferro, Erickson, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 20

Absent or not voting: None.
Total 0

Excused: Augare.
Total 1

SB 29 - **House Amendments** - Senator Essmann moved House amendments to **SB 29** be concurred in. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 27

Nays: Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Shockley, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Absent or not voting: None.
Total 0

Excused: Augare.
Total 1

Senator Essmann moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Peterson in the chair. Chairman Priest moved the Committee of the Whole report be adopted. Report adopted as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Facey, Gallus, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tropila, Tutvedt, Van Dyk, Vincent, Walker, Wanzenried, Williams, Wittich, Zinke, Mr. President.
Total 34

Nays: Blewett, Branae, Caferro, Erickson, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Vuckovich, Windy Boy.
Total 15

Absent or not voting: None.
Total 0

Excused: Augare.
Total 1

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 1 passed as follows:
Yeas: Arthun, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 47

Nays: Balyeat, Wittich.
Total 2

Absent or not voting: None.
Total 0

Excused: Augare.
Total 1

SB 15 passed as follows:
Yeas: Balyeat, Blewett, Branae, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Kaufmann, Keane, Lake, Larsen, Lewis, Moss, Mowbray, Murphy, Olson, Shockley, Stewart-Peregoy, Tropila, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Mr. President.
Total 33

Nays: Arthun, Barrett, Brenden, Brown, Hinkle, Jones, Moore, Priest, Ripley, Sonju, Steinbeisser, Tutvedt, Walker, Windy Boy, Wittich, Zinke.
Total 16

Absent or not voting: None.
Total 0

Excused: Augare.
Total 1

SB 42 passed as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Olson, Ripley, Shockley, Steinbeisser, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Williams, Zinke, Mr. President.
Total 40

Nays: Brenden, Hinkle, Mowbray, Murphy, Priest, Sonju, Stewart-Peregoy, Vincent, Windy Boy, Wittich.
Total 10

Paired: Augare, Aye; Hinkle, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 347 passed as follows:
Yeas: Arthun, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 47

Nays: Kaufmann, Larsen.
Total 2

Absent or not voting: None.
Total 0

Excused: Augare.
Total 1

HB 3 concurred in as follows:
Yeas: Arthun, Augare, Blewett, Branae, Brown, Buttrey, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Jones, Kaufmann, Keane, Larsen, Lewis, Moss, Murphy, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 32

Nays: Balyeat, Barrett, Brenden, Essmann, Hinkle, Hutton, Jackson, Lake, Moore, Mowbray, Olson, Priest, Ripley, Shockley, Sonju, Vincent, Walker, Wittich.
Total 18

Paired: Augare, Aye; Hinkle, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 7 concurred in as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Ripley, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 45

Nays: Hinkle, Priest, Sonju, Walker, Wittich.
Total 5

Paired: Augare, Aye; Hinkle, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 15 concurred in as follows:
Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jent, Jones, Kaufmann, Keane, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Ripley, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 40

Nays: Balyeat, Essmann, Hinkle, Jackson, Lake, Priest, Sonju, Vincent, Walker, Wittich.
Total 10

Paired: Augare, Aye; Hinkle, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 230 not concurred in as follows:
Yeas: Arthun, Balyeat, Buttrey, Essmann, Gallus, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Murphy, Olson, Priest, Ripley, Shockley, Tutvedt, Vincent, Walker, Zinke, Mr. President.
Total 21

Nays: Augare, Barrett, Blewett, Branae, Brenden, Brown, Caferro, Erickson, Facey, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moore, Moss, Mowbray, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Wittich.
Total 29

Paired: Hinkle, Aye; Augare, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 533 concurred in as follows:
Yeas: Arthun, Balyeat, Barrett, Blewett, Brenden, Brown, Buttrey, Essmann, Gallus, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jones, Keane, Lake, Larsen, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Wanzenried, Windy Boy, Wittich, Zinke, Mr. President.
Total 39

Nays: Augare, Branae, Caferro, Erickson, Facey, Gillan, Jent, Kaufmann, Moss, Van Dyk, Williams.
Total 11

Paired: Hinkle, Aye; Augare, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

REPORTS OF STANDING COMMITTEES

FINANCE AND CLAIMS (Lewis, Chairman): 4/7/2011
SJR 26, do pass. Report adopted.
HB 296, be amended as follows:

1. Page 4, line 25.
Insert: "COORDINATION SECTION. **Section 8. Coordination instruction.** If both Senate Bill No. 31 and [this act] are passed and approved, then [section 12 of Senate Bill No. 31], amending 16-11-119, is void."
Renumber: subsequent sections

And, as amended, be concurred in. Report adopted.

HB 477, be concurred in. Report adopted.
HB 495, be amended as follows:

1. Page 3, line 20.

Strike: "2103"
Insert: "2013"

And, as amended, be concurred in. Report adopted.

HB 612, be amended as follows:

1. Page 13, line 12.
Following: "**access.**"
Strike: "(1)"

2. Page 13, line 17 through line 19.
Strike: subsection (2) in its entirety

3. Page 17, line 15.
Insert: "COORDINATION SECTION. **Section 10. Coordination instruction.** If House Bill No. 2 is not passed and approved, then [this act] is void."
Renumber: subsequent sections

And, as amended, be concurred in. Report adopted.

HB 622, be amended as follows:

1. Page 1, line 30.
Strike: "15-1-122"
Insert: "15-24-925"

And, as amended, be concurred in. Report adopted.

HB 633, be concurred in. Report adopted.

SPECIAL ORDERS OF THE DAY

SR 5 - Senator Olson moved **SR 5** be adopted.

SR 5 - Senator Olson moved **SR 5**, second reading copy, be amended as follows:

1. Title, page 1, line 8.
Strike: "JANUARY 12"
Insert: "MARCH 30"

Amendment adopted as follows:
Yeas: Arthun, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley,

Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Augare.
Total 1

SR 5 - Senator Olson moved **SR 5**, as amended, be adopted. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Augare.
Total 1

SR 13 - Senator Zinke moved **SR 13** be adopted. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Augare.
Total 1

SR 19 - Senator Facey moved **SR 19** be adopted. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Augare.
Total 1

MOTIONS

Senator Blewett moved that **HB 203** be taken from Judiciary and brought before the Committee of the Whole and placed on second reading on April 8, 2011. Motion **failed** as follows:
Yeas: Blewett, Branae, Buttrey, Erickson, Facey, Gallus, Gillan, Hamlett, Hutton, Kaufmann, Larsen, Moss, Sonju, Stewart-Peregoy, Tropila, Van Dyk, Walker, Wanzenried, Windy Boy, Zinke.
Total 20

Nays: Arthun, Balyeat, Barrett, Brenden, Brown, Caferro, Essmann, Hawks, Hinkle, Jackson, Jent, Jones, Keane, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Steinbeisser, Tutvedt, Vincent, Vuckovich, Williams, Wittich, Mr. President.
Total 29

Absent or not voting: None.
Total 0

Excused: Augare.
Total 1

REPORTS OF STANDING COMMITTEES

PUBLIC HEALTH, WELFARE AND SAFETY (Priest, Chairman): 4/7/2011
HB 445, be amended as follows:

1. Title, page 1, line 9 through line 10.
Strike: line 9 through line 10

2. Title, page 1, line 13.
Strike: "33-2-708,"

3. Page 3, line 13.
Strike: "**-- reciprocity**"

4. Page 3, line 26.
Following: "4];"
Insert: "and"

5. Page 3, line 29 through page 4, line 4.
Following: "e)]" on line 29
Insert: "."
Strike: "; and" on page 3, line 29 through "that state." on page 4, line 4

6. Page 9, line 20 through page 13, line 18.
Strike: section 8 in its entirety
Renumber: subsequent sections

And, as amended, be concurred in. Report adopted.

MOTIONS

Senator Balyeat moved to change his vote on **HB 15** from Yes to No. Without objection, so ordered.

Senator Jackson moved to change his vote on **HB 230** from No to Yes. Without objection, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Essmann moved that the Senate adjourn until 10:00 a.m., Friday, April 8, 2011. Motion carried.

Senate adjourned at 3:06 p.m.

MARILYN MILLER
Secretary of the Senate

JIM PETERSON
President of the Senate

SENATE JOURNAL
62ND LEGISLATURE
SEVENTY-NINTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
April 8, 2011 — State Capitol

Senate convened at 10:00 a.m. President Peterson presiding. Invocation by Chaplain Keith Johnson. Pledge of Allegiance to the Flag. Roll Call. All members present, except Senators Shockley and Williams, excused. Quorum present.

BILLS AND JOURNALS: 4/8/2011

Correctly printed: **SJR 26**, **SJR 27**, **HB 5**, **HB 8**, **HB 83**, **HB 165**, **HB 188**, **HB 262**, **HB 377**, **HB 409**, **HB 477**, **HB 492**, **HB 494**, **HB 518**, **HB 551**, **HB 560**, **HB 561**, **HB 562**, **HB 565**, **HB 577**, **HB 587**, **HB 607**, **HB 609**, **HB 619**, **HB 633**, **HB 641**.
Correctly engrossed: **SJR 6**, **SJR 21**, **SJR 22**, **SJR 27 SJR 28**, **SR 5**, **HB 6**, **HB 140**, **HB 186**, **HB 209**, **HB 283**, **HB 296**, **HB 316**, **HB 317**, **HB 372**, **HB 387**, **HB 411**, **HB 439**, **HB 445**, **HB 495**, **HB 611**, **HB 612**, **HB 615**, **HB 621**, **HB 622**, **HB 638**.
Correctly enrolled: **SB 54**, **SB 59**, **SB 124**, **SB 135**, **SB 136**, **SB 166**, **SB 173**, **SB 201**, **SB 212**, **SB 234**, **SB 327**, **SB 340**, **SB 367**, **SJR 4**, **SJR 8**, **SR 7**, **SR 8**, **SR 9**, **SR 10**, **SR 11**, **SR 12**, **SR 13**, **SR 19**.
Examined by the sponsor and found to be correct: **SB 124**, **SB 166**, **SB 201**, **SB 312**, **SB 367**.
Signed by the Speaker at 12:30 p.m., April 7, 2011: **SB 89**, **SB 140**, **SB 179**, **SB 180**, **SB 184**, **SB 213**, **SB 228**, **SB 229**, **SB 254**, **SB 304**, **SB 320**, **SB 324**, **SB 370**.
Signed by the President at 11:55 a.m., April 7, 2011: **SB 89**, **SB 140**, **SB 179**, **SB 180**, **SB 184**, **SB 213**, **SB 228**, **SB 229**, **SB 254**, **SB 304**, **SB 320**, **SB 324**, **SB 370**.
Signed by the Secretary of the Senate at 8:00 a.m., April 7, 2011: **SB 89**, **SB 140**, **SB 179**, **SB 180**, **SB 184**, **SB 213**, **SB 228**, **SB 229**, **SB 254**, **SB 304**, **SB 320**, **SB 324**, **SB 370**.
Delivered to the Secretary of State at 8:28 a.m., April 8, 2011: **SJR 14**.
Delivered to the Governor for approval at 8:35 a.m., April 8, 2011: **SB 89**, **SB 140**, **SB 179**, **SB 180**, **SB 184**, **SB 213**, **SB 228**, **SB 229**, **SB 254**, **SB 304**, **SB 320**, **SB 324**, **SB 370**.
Signed by the Speaker at 9:50 a.m., April 8, 2011: **SB 28**, **SB 36**, **SB 43**, **SB 52**, **SB 120**, **SB 146**, **SB 174**, **SB 222**, **SB 288**, **SB 298**, **SB 307**, **SB 337**, **SB 352**, **SB 357**.
Signed by the President at 4:35 p.m., April 7, 2011: **SB 28**, **SB 36**, **SB 43**, **SB 52**, **SB 120**, **SB 146**, **SB 174**, **SB 222**, **SB 288**, **SB 298**, **SB 307**, **SB 337**, **SB 352**, **SB 357**.
Signed by the Secretary of the Senate at 12:15 p.m., April 7, 2011: **SB 28**, **SB 36**, **SB 43**, **SB 52**, **SB 120**, **SB 146**, **SB 174**, **SB 222**, **SB 288**, **SB 298**, **SB 307**, **SB 337**, **SB 352**, **SB 357**.

REPORTS OF STANDING COMMITTEES

AGRICULTURE, LIVESTOCK AND IRRIGATION (Steinbeisser, Chairman): 4/7/2011
SR 27, do adopt. Report adopted.
HB 621, be amended as follows:

1. Title, page 1, line 10 through line 11.
Strike: "THE NOXIOUS" on line 10 through "FUND AND" on line 11

2. Title, page 1, line 11.
Strike: "80-7-814,"

3. Page 1, line 16 through page 3, line 3.
Strike: section 1 in its entirety
Renumber: subsequent sections

4. Page 3, line 11 through line 12.
Strike: "THE" on line 11 through "WEEDS." on line 12

5. Page 4, line 19 through line 21.
Strike: subsection (5) in its entirety

6. Page 5, line 6 through line 12.
Strike: section 6 in its entirety
Renumber: subsequent sections

7. Page 5, line 16.
Strike: "$208,000"
Insert: "$58,000"

8. Page 5, line 17.
Strike: "and"
Insert: "(2) to the department of fish, wildlife, and parks $150,000 from the state general fund for the prevention and control of any nonnative, aquatic invasive species pursuant to Title 80, chapter 7, part 10; and"
Renumber: subsequent subsections

9. Page 5, line 19.
Strike: "Eurasian watermilfoil"
Insert: "aquatic noxious weeds"

And, as amended, be concurred in. Report adopted.

FISH AND GAME (Brenden, Chairman): 4/7/2011
HB 370, be concurred in. Report adopted.

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE
on **House Bill 2**

Report No. 1, April 8, 2011

Mr. President and Mr. Speaker:
We, your Free Conference Committee met and considered **House Bill 2** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 2** (reference copy -- salmon) be amended as follows:

1. Page A-1, line 19.
Following: "AND"
Strike: "$8,877"
Insert: "$8,840"

2. Page A-9.
Following: line 17
Insert: "455,000 455,000" [general fund FY 2012 and FY 2013]

3. Page B-1, line 9.
Strike: "29,395,052 29,118,420" [general fund FY 12 and FY 13]
Insert: "29,400,741 29,124,109" [general fund FY 12 and FY 13]
Strike: " 2,276,504 2,275,518" [state special fund FY 12 and FY 13]
Insert: " 2,278,667 2,277,681" [state special fund FY 12 and FY 13]
4. Page B-1, line 10.
Strike: "223,665,786 222,555,644"[federal special fund FY 12 and FY 13]
Insert: "223,682,070 222,571,928"[federal special fund FY 12 and FY 13]
5. Page B-1, line 20.
Strike: "31,857,539 33,444,233" [general fund FY 12 and FY 13]
Insert: "31,873,779 33,460,473" [general fund FY 12 and FY 13]
Strike: "26,545,289 27,402,292" [federal special fund FY 12 and FY 13]
Insert: "26,550,974 27,407,977" [federal special fund FY 12 and FY 13]
6. Page B-2, line 11.
Following: "STIPENDS TO"
Strike: "REGULAR FOSTER" through "FAMILIES" on line 12
Insert: "families who provide regular foster care in a youth foster home and kinship families who provide regular foster care in a kinship foster home"

7. Page B-4, line 9.
Strike: "73,724,653 75,174,917" [general fund FY 12 and FY 13]
Insert: "73,956,561 75,408,214" [general fund FY 12 and FY 13]

8. Page B-4, line 14.
Strike: "66,513,741 67,532,499" [state special fund FY12 & FY13]
Insert: "67,383,145 68,322,968" [state special fund FY12 & FY13]
Strike: "415,749,085 443,087,924" [federal special fund FY12 & FY13]
Insert: "417,451,121 444,604,720" [federal special fund FY12 & FY13]
9. Page B-4, line 17.
Strike: "14,232,744 13,381,377 " [federal special fund FY12 & FY13]
Insert: "19,874,759 20,433,896" [federal special fund FY12 & FY13]
10. Page B-5, line 4.
Strike: "27,670,974 27,444,949" [state special fund FY 12 FY 13]
Insert: "28,518,813 28,311,258" [state special fund FY 12 FY 13]

Strike: "160,421,396 160,163,011" [federal special fund FY 12 FY 13]
Insert: "158,860,132 158,605,217" [federal special fund FY 12 FY 13]
11. Page B-5, line 17.
Strike: "62,344,378 62,814,384" [general fund FY 12 and FY 13]
Insert: "62,845,099 63,316,558" [general fund FY 12 and FY 13]

12. Page B-6.
Strike: line 3 through line 4 in their entirety

13. Page B-6, line 13.
Following: "OF"
Strike: "A BILL ALLOWING THE TRANSFER OF REVENUES"
Insert: "Senate Bill No. 424 in a form that transfers revenue to the general fund"
Strike: "MONTANA"
Insert: "Montanans"
Following: "FUND"
Insert: "provided for in 52-3-115"

14. Page B-6, following line 24.
Insert: "Direct Care Provider Rate Increase may be used only to raise provider rates for medicaid services to allow for wage increases or lump-sum payments to workers who provide direct care and ancillary services."

15. Page C-3, line 18.
Following: "NO."
Strike: "610"
Insert: "370"

16. Page C-3, line 23.
Following: "If"
Strike: "LC"
Following: "~~862~~"

Strike: "411"
Insert: "House Bill No. 619"

17. Page C-12, line 7.
Strike: "$1,893,487"
Insert: "$1,543,487"

18. Page C-12, line 8.
Following: "AND"
Strike: "$1,893,487"
Insert: "$1,543,487"
Following: "DECREASED BY"
Strike: "$1,893,487"
Insert: "$1,543,487"
Following: "AND BY"
Strike: "$1,893,487"
Insert: "$1,543,487"

19. Page D-6, line 18.
Strike: "73,435,468 73,488,148" [general fund FY 2012 and FY 2013]
Insert: "73,535,468 73,588,148" [general fund FY 2012 and FY 2013]
20. Page D-7, line 17.
Following: "includes"
Strike: "$6,133,625"
Insert: "$6,119,145"
Following: "and"
Strike: "$6,120,961"
Insert: "$6,106,542"

21. Page D-7, line 22.
Following: "of"
Strike: "$14,793,778"
Insert: "$14,712,670"
Following: "and"
Strike: "$14,796,967"
Insert: "$14,716,201"

22. Page D-7, line 24.
Following: "includes"
Strike: "$37,156,156"
Insert: "$36,988,761"
Following: "and"
Strike: "$37,168,034"

Insert: "$37,001,343"

23. Page D-8, line 6.
Following: "of"
Strike: "$640,085"
Insert: "$637,329"
Following: "and"
Strike: "$639,025"
Insert: "$636,281"

24. Page D-8, line 9.
Following: "of"
Strike: "$10,526,138"
Insert: "$10,475,405"
Following: "and"
Strike: "$10,532,826"
Insert: "$10,482,306"

25. Page E-1, line 10.
Strike: "Teacher Data Module"
Insert: "District Education Profiles"

26. Page E-1, line 16.
Strike: "480,074,235 540,078,580" [general fund FY12 and FY13]
Insert: "492,262,212 520,021,232" [general fund FY12 and FY13]

27. Page E-2, line 4.
Strike: "51,546,927 51,546,927" [general fund FY12 and FY13]
Insert: "52,150,510 52,150,510" [general fund FY12 and FY13]

28. Page E-2, line 8.
Strike: "155,895 155,898" [general fund FY 12 and FY13]
Insert: "128,957 128,960" [general fund FY 12 and FY13]

29. Page E-2.
Strike: line 11 through line 13 in their entirety
Renumber: subsequent subsections

30. Page E-2, line 15.
Strike: "44,900,000 45,900,000" [State special fund FY12 and FY13]

Insert: "104,951,000 76,811,000" [state special fund FY12 and FY13]

31. Page E-3.
Strike: line 1 through line 2 in their entirety
Renumber: subsequent subsections

32. Page E-3, line 3.
Strike: "AND FUND SWITCH"

33. Page E-3, line 4.
Strike: "20,064,547 28,778,088" [State special fund FY12 and FY13]
Insert: "10,458,688 19,011,457" [state special fund FY12 and FY13]

34. Page E-3, line 17.
Strike: "Teacher Data Module"
Insert: "District Education Profiles"
Strike: "SENATE BILL NO. 403 IN A FORM"
Insert: "a bill "

35. Page E-3, line 18.
Strike: "PATHWAY TO EXCELLENCE"
Insert: "District Education Profiles online reporting "

36. Page E-3, line 23.
Strike: "SENATE BILL NO. 403"
Insert: "a bill that eliminates the growth in HB 124 block grants"
Strike: "$1,089,927"
Insert: "$396,344"
Strike: "$1,489,283"
Insert: "$795,700"

37. Page E-3, line 25.
Strike: "BASE Aid Fund Switch"
Insert: "Guarantee Account"
Strike: "and House Bill No. 42"

38. Page E-4, line 1.
Strike: "$28"
Insert: "$25"
Strike: "SENATE BILL NO. 403"

Insert: "a bill"

39. Page E-4.
Strike: line 3 through line 4 in their entirety

40. Page E-4, line 10.
Strike: "4,288,763"

41. Page E-5, line 21.
Strike: "3,649,203 3,652,294" [general fund FY 12 and FY 13]
Insert: "3,676,141 3,679,232" [general fund FY 12 and FY 13]

For the Senate:

Lewis, Chair
Ripley

For the House:

McNutt, Vice Chair
Esp

MESSAGES FROM THE GOVERNOR

April 7, 2011

The Honorable Mike Milburn
Speaker of the House
State Capitol
Helena, MT 59620

The Honorable Jim Peterson
President of the Senate
State Capitol
Helena, MT 59620

Dear Speaker Milburn and President Peterson:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby veto House Bill No. 531 (HB 531), **"AN ACT REVISING THE CIVIL LIABILITY PROVISIONS FOR MULTIPLE DEFENDANTS; CLARIFYING THE PROCESS FOR MULTIPLE DEFENDANTS IN AN ACTION FOR NEGLIGENCE FOLLOWING THE SETTLEMENT OR RELEASE FROM LIABILITY OF A PERSON; AMENDING SECTION 27-1-703, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."**

My objections to HB 531 are two-fold. The bill takes an already complicated statute, Mont. Code Ann. § 27-1-703, governing the apportionment of damages in civil tort actions involving multiple

defendants and makes it far more complicated. I suspect that the existing statute, itself, is understood by only a few judges and civil trial lawyers -- plaintiff and defendant. This statute has undergone many conversions and been amended heavily over the years. The prior version of this statute was challenged successfully on constitutional grounds, but the current version has been in effect since 1997. I do not believe there is any reason to amend the statute now.

Additionally, I fundamentally disagree with the precepts underlying HB 531, as expressed in the "preamble" to the bill, or the "whereas" clauses. First, the "whereas" clauses state that the bill's intent is to address the high cost of health insurance in this country. The bill, however, addresses all tort litigation, only a small amount of which is medical malpractice litigation. Second, the "whereas" clauses attach blame and responsibility for our country's health care problems and health care provider shortages on our nation's legal system. I believe those remarks are unfair and inflammatory.

For these reasons, I respectfully ask you to sustain my veto of the bill.

Sincerely,

BRIAN SCHWEITZER
GOVERNOR

cc: Legislative Services Division

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 4/7/2011

SB 267, introduced by Vincent
SB 268, introduced by Balyeat
SB 415, introduced by Lake

HB 132 - The House failed to concur in Senate amendments to **HB 132,** authorized the Speaker to appoint the following Conference Committee, and requested that the Senate appoint a like committee to confer on **HB 132:**

4/7/2011

Representative Hoven, Vice Chair
Representative McNally
Representative Taylor

Governor's amendments to **House bill not** concurred in and transmitted to the Senate for consideration of the Governor's amendments:

4/7/2011

HB 219, introduced by McGillvray
HB 327, introduced by McClafferty

Senator Williams present.

Senator Essmann excused.

MOTIONS

Senator Olson moved that **HB 243** be taken from Highways and Transportation and be placed on second reading on Monday, April 11, 2011. Motion **failed** as follows:
Yeas: Barrett, Brenden, Brown, Buttrey, Facey, Hamlett, Hawks, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Olson, Priest, Ripley, Sonju, Steinbeisser, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 23

Nays: Arthun, Augare, Balyeat, Blewett, Branae, Caferro, Erickson, Gallus, Gillan, Hinkle, Hutton, Jent, Kaufmann, Keane, Larsen, Moss, Murphy, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 25

Absent or not voting: None.
Total 0

Excused: Essmann, Shockley.
Total 2

Senator Jones moved that **HB 611** be moved to the bottom of the board. Without objection, so ordered.

Senator Brown moved to appoint a Conference Committee on **HB 593** and request the House to appoint a like committee. Motion Carried. President Peterson appointed:

4/08/2011

Senator Olson, Chair
Senator Keane
Senator Walker

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Brown moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Hamlett in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SJR 23 - Senator Essmann moved consideration of **SJR 23** be placed at the bottom of the second reading board. Motion carried.

SB 16 - **House Amendments** - Senator Brown moved House amendments to **SB 16** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 42

Nays: Balyeat, Erickson, Hinkle, Kaufmann, Van Dyk, Wittich.
Total 6

Absent or not voting: None.
Total 0

Excused: Essmann, Shockley.
Total 2

HB 9 - Senator Brenden moved **HB 9** be concurred in. Motion carried as follows:
Yeas: Augare, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Ripley, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Williams, Zinke, Mr. President.
Total 37

Nays: Arthun, Balyeat, Hinkle, Hutton, Jackson, Priest, Sonju, Vincent, Walker, Windy Boy, Wittich.
Total 11

Absent or not voting: None.
Total 0

Excused: Essmann, Shockley.
Total 2

HB 51 - Senator Caferro moved **HB 51** be concurred in. Motion carried as follows:
Yeas: Augare, Barrett, Blewett, Branae, Brown, Buttrey, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Murphy, Olson, Priest, Ripley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 41

Nays: Arthun, Balyeat, Brenden, Hinkle, Jackson, Mowbray, Wittich.
Total 7

Absent or not voting: None.
Total 0

Excused: Essmann, Shockley.
Total 2

Senator Shockley present at this time.

HB 10 - Senator Sonju moved **HB 10** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brown, Buttrey, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 45

Nays: Balyeat, Brenden, Hinkle, Lake.
Total 4

Absent or not voting: None.
Total 0

Excused: Essmann.
Total 1

Senator Essmann present at this time.

HB 159 - Senator Shockley moved **HB 159** be concurred in. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Mr. President.
Total 27

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke.
Total 23

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 351 - Senator Jones moved **HB 351** be concurred in.

HB 351 - Senator Brenden moved **HB 351**, second reading copy, be amended as follows:

1. Title, page 1, line 14.
Following: "ACCOUNT"
Strike: "AND"
Insert: "TO THE STATE GENERAL FUND AND TO THE TREASURE STATE ENDOWMENT REGIONAL WATER SYSTEM SPECIAL REVENUE ACCOUNT; REQUIRING THE TRANSFER OF MONEY FROM"

2. Page 7, line 17.
Strike: "$3.92"
Insert: "$4.49"

3. Page 8, line 17.
Strike: "$1.57"
Insert: "$1"

4. Page 8, line 19.
Following: line 18
Insert: "(2) The state treasurer shall transfer $570,000 from the treasure state endowment special revenue account to the treasure state endowment regional water system special revenue account."
Renumber: subsequent subsections

5. Page 8, line 21.
Strike: "(2)"
Insert: "and (3)"

6. Page 8, line 27.
Strike: "(2)"
Insert: "(3)"

Amendment **not** adopted as follows:
Yeas: Augare, Brenden, Caferro, Essmann, Gillan, Hamlett, Keane, Mowbray, Priest, Steinbeisser, Stewart-Peregoy, Tropila, Wanzenried, Windy Boy, Zinke.
Total 15

Nays: Arthun, Balyeat, Barrett, Blewett, Branae, Brown, Buttrey, Erickson, Facey, Gallus, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Lake, Larsen, Lewis, Moore, Moss, Murphy, Olson, Ripley, Shockley, Sonju, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Williams, Wittich, Mr. President.
Total 35

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 351 - Thereupon, the Senate reverted to the original motion of Senator Jones which passed as follows:
Yeas: Arthun, Augare, Barrett, Brenden, Brown, Buttrey, Caferro, Essmann, Gallus, Hamlett, Hawks, Hutton, Jackson, Jones, Keane, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Ripley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 35

Nays: Balyeat, Blewett, Branae, Erickson, Facey, Gillan, Hinkle, Jent, Kaufmann, Larsen, Moss, Priest, Shockley, Van Dyk, Wanzenried.
Total 15

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 388 - Senator Jones moved **HB 388** be concurred in. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 475 - Senator Facey moved **HB 475** be concurred in. Motion carried as follows:
Yeas: Augare, Barrett, Blewett, Branae, Brenden, Brown, Caferro, Erickson, Essmann, Facey, Gillan, Hamlett, Hawks, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moss, Shockley, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Mr. President.
Total 31

Nays: Arthun, Balyeat, Buttrey, Gallus, Hinkle, Hutton, Jackson, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Sonju, Steinbeisser, Vincent, Walker, Wittich, Zinke.
Total 19

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 613 - Senator Jones moved **HB 613** be concurred in. Motion carried as follows:
Yeas: Arthun, Barrett, Blewett, Brenden, Brown, Buttrey, Caferro, Essmann, Hamlett, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tropila, Tutvedt, Vincent, Walker, Zinke, Mr. President.
Total 29

Nays: Augare, Balyeat, Branae, Erickson, Facey, Gallus, Gillan, Hawks, Hinkle, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Wittich.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 615 - Senator Steinbeisser moved **HB 615** be concurred in.

HB 615 - Senator Hawks moved **HB 615**, second reading copy, be amended as follows:

1. Page 2, line 29 and line 30.
Strike: section 4 in its entirety
Renumber: subsequent sections

Amendment adopted as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Essmann, Facey, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 45

Nays: Caferro, Erickson, Gallus, Kaufmann, Keane.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 615 - Senator Steinbeisser moved **HB 615**, as amended, be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 611 - Senator Jones moved **HB 611** be concurred in.

HB 611 - Senator Buttrey moved **HB 611**, second reading copy, be amended as follows:

1. Title, page 1, line 9 through line 10.
Strike: "REVISING" on line 9 through "COMMERCE;" on line 10

2. Title, page 1, line 11.
Following: "20-9-306,"
Insert: "AND"
Strike: "AND 39-51-409,"

3. Page 5, line 19 through page 6, line 16.
Strike: section 4 in its entirety
Renumber: subsequent sections

Amendment adopted as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest,

Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 611 - Senator Jones moved **HB 611**, as amended, be concurred in. Motion **failed** as follows:
Yeas: Arthun, Barrett, Brenden, Brown, Buttrey, Caferro, Essmann, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Zinke, Mr. President.
Total 25

Nays: Augare, Balyeat, Blewett, Branae, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Jent, Kaufmann, Keane, Larsen, Moss, Priest, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Wittich.
Total 25

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Essmann moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. Senate resumed. President Peterson in the chair.
Chairman Hamlett moved the Committee of the Whole report be adopted. Report adopted as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Branae, Brenden, Brown, Caferro, Essmann, Facey, Gallus, Gillan, Hamlett, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Williams, Windy Boy, Wittich.
Total 39

Nays: Blewett, Buttrey, Erickson, Hawks, Moss, Ripley, Sonju, Walker, Wanzenried, Zinke, Mr. President.
Total 11

Absent or not voting: None.

Total 0

Excused: None.
Total 0

Senator Caferro moved to change her vote on **HB 351** from No to Yes. Without objection, so ordered.

Senator Jones moved to reconsider the second reading action on **HB 611** and place **HB 611** on second reading later that day.
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hawks, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 29

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senate in recess until 12:45 p.m.

Senate resumed at 12:48 p.m.

Senator Essmann announced the Republicans would caucus.

Senator Williams announced the Democrats would caucus.

Senate in recess.

Senate resumed.

Senator Gallus excused.

REPORTS OF STANDING COMMITTEES

ENERGY AND TELECOMMUNICATIONS (Olson, Chairman): 4/7/2011
SR 21, be adopted. Report adopted.
SR 22, be adopted. Report adopted.

SR 23, be adopted. Preliminary report adopted.

FISH AND GAME (Brenden, Chairman): 4/6/2011
HB 209, be amended as follows:

1. Page 5, line 23.
Strike: "Fifty percent"
Insert: "Two-thirds"

2. Page 5, line 25.
Strike: "Fifty percent"
Insert: "One-third"

And, as amended, be concurred in. Report adopted.

HIGHWAYS AND TRANSPORTATION (Jones, Chairman): 4/7/2011
SR 20, do pass. Preliminary report adopted.

STATE ADMINISTRATION (Shockley, Chairman): 4/8/2011
SR 6, introduced resolution, be amended as follows:

1. Page 1, line 18 through line 19.
Strike: ";" on line 18 through "2014" on line 19

And, as amended, be adopted. Report adopted.

TAXATION (Tutvedt, Chairman): 4/8/2011
HB 358, be concurred in. Report adopted.
HB 616, be concurred in. Report adopted.
HB 618, be concurred in. Report adopted.

REPORTS OF SELECT COMMITTEES

CONFERENCE COMMITTEE
on Senate Amendments to **House Bill 525**
Report No. 1, April 8, 2011

Mr. President and Mr. Speaker:
We, your Conference Committee met and considered Senate amendments to **House Bill 525** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 525** (reference copy -- salmon) be amended as follows:

1. Page 1, line 10.
Following: "~~(a)~~"

Insert: "(a)"

2. Page 1, line 12.
Following: "~~boards to~~"
Insert: "in each interim review one-half of the licensing boards to"

3. Page 1.
Following: line 18
Insert: "(b) The review in the first interim after [the effective date of this act] must start with the oldest established boards. The review in the second interim after [the effective date of this act] must include the remaining boards. This review process must be repeated in the subsequent two interims."

4. Page 2, line 12.
Strike: "2012"
Insert: "2018"

For the Senate:

Facey, Chair
Jackson
Steinbeisser

For the House:

Arntzen, Vice Chair
McNiven

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Essmann moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Hamlett in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

Senator Gallus present at this time.

HB 611 - Senator Jones moved **HB 611**, as amended, be concurred in. Motion carried as follows:
Yeas: Arthun, Barrett, Brenden, Brown, Buttrey, Essmann, Hawks, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Williams, Zinke, Mr. President.
Total 27

Nays: Augare, Balyeat, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hinkle, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy, Wittich.
Total 23

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJR 23 - Senator Essmann moved **SJR 23** do pass. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Facey, Hinkle, Hutton, Jackson, Jones, Keane, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 29

Nays: Augare, Blewett, Branae, Caferro, Erickson, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Larsen, Moss, Shockley, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 140 - Senator Lewis moved **HB 140** be concurred in. Motion carried as follows:
Yeas: Arthun, Balyeat, Brown, Essmann, Facey, Hawks, Hutton, Jackson, Jent, Jones, Lake, Larsen, Lewis, Moss, Mowbray, Murphy, Priest, Ripley, Sonju, Steinbeisser, Stewart-Peregoy, Tutvedt, Vincent, Williams, Zinke, Mr. President.
Total 26

Nays: Augare, Barrett, Blewett, Branae, Brenden, Buttrey, Caferro, Erickson, Gallus, Gillan, Hamlett, Hinkle, Kaufmann, Keane, Moore, Olson, Shockley, Tropila, Van Dyk, Vuckovich, Walker, Wanzenried, Windy Boy, Wittich.
Total 24

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 188 - Senator Facey moved **HB 188** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Blewett, Branae, Brown, Buttrey, Caferro, Erickson, Facey, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

Total 37

Nays: Balyeat, Barrett, Brenden, Essmann, Gallus, Hinkle, Olson, Priest, Ripley, Sonju, Vincent, Walker, Wittich.
Total 13

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 283 - Senator Tutvedt moved **HB 283** be concurred in. Motion carried as follows:
Yeas: Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 26

Nays: Arthun, Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moore, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 24

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 317 - Senator Lewis moved **HB 317** be concurred in. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Caferro, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 29

Nays: Augare, Blewett, Branae, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 439 - Senator Williams moved **HB 439** be concurred in. Motion carried as follows:
Yeas: Augare, Blewett, Branae, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moss, Mowbray, Olson, Ripley, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 36

Nays: Arthun, Balyeat, Barrett, Brenden, Hinkle, Jackson, Moore, Murphy, Priest, Shockley, Sonju, Vincent, Walker, Wittich.
Total 14

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Gallus excused at this time.

HB 565 - Senator Gillan moved **HB 565** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Facey, Gillan, Hamlett, Hawks, Hutton, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Ripley, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 39

Nays: Balyeat, Essmann, Hinkle, Jackson, Priest, Shockley, Sonju, Vincent, Walker, Wittich.
Total 10

Absent or not voting: None.
Total 0

Excused: Gallus.
Total 1

HB 209 - Senator Shockley moved **HB 209** be concurred in.

HB 209 - Senator Shockley moved **HB 209**, second reading copy, be amended as follows:

1. Page 5, line 23.
Strike: "TWO-THIRDS"
Insert: "Fifty percent"

2. Page 5, line 25.
Strike: "ONE-THIRD"

Insert: "Fifty percent"

Amendment adopted as follows:
Yeas: Arthun, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 27

Nays: Augare, Balyeat, Blewett, Branae, Caferro, Erickson, Facey, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Absent or not voting: None.
Total 0

Excused: Gallus.
Total 1

HB 209 - Senator Shockley moved **HB 209**, as amended, be concurred in. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Keane, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Vuckovich, Walker, Wittich, Zinke, Mr. President.
Total 30

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gillan, Hamlett, Hawks, Jent, Kaufmann, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried, Williams, Windy Boy.
Total 19

Absent or not voting: None.
Total 0

Excused: Gallus.
Total 1

HB 621 - Senator Windy Boy moved **HB 621** be concurred in.

HB 621 - Senator Jackson moved **HB 621**, second reading copy, be amended as follows:

1. Title, page 1, line 8 through page 9.
Strike: "DESIGNATING THE" on line 8 through "AUTHORITY;" on line 9

2. Title, page 1, line 12.

Strike: "80-7-1005,"

3. Page 3, line 20 through line 29.
Strike: section 2 in its entirety
Renumber: subsequent sections

4. Page 4, line 8.
Strike: "agriculture"
Insert: "fish, wildlife, and parks"

5. Page 4, line 9.
Strike: "fish, wildlife, and parks"
Insert: "agriculture"

Amendment adopted as follows:
Yeas: Balyeat, Brenden, Buttrey, Erickson, Essmann, Hamlett, Hawks, Hinkle, Jackson, Jones, Lake, Lewis, Moss, Mowbray, Murphy, Olson, Priest, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Vincent, Walker, Wanzenried, Wittich, Zinke, Mr. President.
Total 29

Nays: Arthun, Augare, Barrett, Blewett, Branae, Brown, Caferro, Facey, Gillan, Hutton, Jent, Kaufmann, Keane, Larsen, Moore, Ripley, Van Dyk, Vuckovich, Williams, Windy Boy.
Total 20

Absent or not voting: None.
Total 0

Excused: Gallus.
Total 1

HB 621 - Senator Windy Boy moved **HB 621**, as amended, be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Walker, Wanzenried, Williams, Wittich, Zinke, Mr. President.
Total 46

Nays: Larsen, Vuckovich, Windy Boy.
Total 3

Absent or not voting: None.
Total 0

Excused: Gallus.
Total 1

Senator Essmann moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Peterson in the chair. Chairman Hamlett moved the Committee of the Whole report be adopted. Report adopted as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Gallus.
Total 1

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 29, **as amended by the House**, passed as follows:
Yeas: Arthun, Barrett, Blewett, Branae, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Hawks, Jackson, Jent, Jones, Keane, Lake, Larsen, Mowbray, Olson, Priest, Shockley, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy, Wittich, Zinke, Mr. President.
Total 31

Nays: Augare, Balyeat, Brenden, Gillan, Hamlett, Hinkle, Hutton, Kaufmann, Lewis, Moore, Moss, Murphy, Ripley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Williams.
Total 19

Paired: Gallus, Aye; Hinkle, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 75, **as amended by the House**, passed as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Gallus.
Total 1

SB 100, **as amended by the House**, passed as follows:
Yeas: Arthun, Balyeat, Barrett, Branae, Brenden, Brown, Buttrey, Caferro, Essmann, Gallus, Gillan, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Vuckovich, Walker, Wanzenried, Wittich, Zinke, Mr. President.
Total 36

Nays: Augare, Blewett, Erickson, Facey, Hamlett, Hawks, Kaufmann, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Williams, Windy Boy.
Total 14

Paired: Gallus, Aye; Blewett, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 149, **as amended by the House**, passed as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Larsen, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 46

Nays: Caferro, Erickson, Kaufmann, Moss.

Total 4

Paired: Gallus, Aye; Moss, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 172, **as amended by the House**, passed as follows:
Yeas: Arthun, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Erickson, Facey, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 44

Nays: Augare, Caferro, Essmann, Kaufmann, Wittich.
Total 5

Absent or not voting: None.
Total 0

Excused: Gallus.
Total 1

SB 389, **as amended by the House**, passed as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Zinke, Mr. President.
Total 46

Nays: Walker, Windy Boy, Wittich.
Total 3

Absent or not voting: None.
Total 0

Excused: Gallus.
Total 1

SB 294, **as amended by the Governor**, passed as follows:

Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brown, Buttrey, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Sonju, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 41

Nays: Balyeat, Brenden, Essmann, Hinkle, Ripley, Shockley, Steinbeisser, Walker, Wittich.
Total 9

Paired: Gallus, Aye; Hinkle, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 351, **as amended by the Governor**, passed as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Gallus.
Total 1

HB 4 concurred in as follows:
Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Jones, Kaufmann, Keane, Larsen, Lewis, Moore, Moss, Murphy, Olson, Ripley, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 38

Nays: Balyeat, Essmann, Hinkle, Hutton, Jackson, Lake, Mowbray, Priest, Sonju, Vincent, Walker, Wittich.
Total 12

Paired: Gallus, Aye; Hinkle, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 5 concurred in as follows:
Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brown, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jent, Jones, Kaufmann, Keane, Larsen, Lewis, Moss, Murphy, Olson, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 34

Nays: Balyeat, Brenden, Buttrey, Essmann, Hinkle, Jackson, Lake, Moore, Mowbray, Priest, Ripley, Sonju, Tutvedt, Vincent, Walker, Wittich.
Total 16

Paired: Gallus, Aye; Hinkle, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 8 concurred in as follows:
Yeas: Augare, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jent, Jones, Kaufmann, Keane, Larsen, Lewis, Moore, Moss, Murphy, Olson, Ripley, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 38

Nays: Arthun, Balyeat, Essmann, Hinkle, Jackson, Lake, Mowbray, Priest, Sonju, Vincent, Walker, Wittich.
Total 12

Paired: Gallus, Aye; Hinkle, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 83 concurred in as follows:
Yeas: Augare, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 43

Nays: Arthun, Balyeat, Hinkle, Sonju, Vincent, Walker, Wittich.
Total 7

Paired: Gallus, Aye; Hinkle, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 165 concurred in as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Caferro, Essmann, Hutton, Jackson, Jones, Keane, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Steinbeisser, Tutvedt, Vincent, Walker, Windy Boy, Zinke, Mr. President.
Total 28

Nays: Augare, Blewett, Branae, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Jent, Kaufmann, Larsen, Moss, Sonju, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Wittich.
Total 22

Paired: Brown, Aye; Gallus, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 262 concurred in as follows:
Yeas: Augare, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Shockley, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 37

Nays: Arthun, Balyeat, Essmann, Hinkle, Hutton, Jackson, Priest, Ripley, Sonju, Steinbeisser, Vincent, Walker, Wittich.
Total 13

Paired: Gallus, Aye; Hinkle, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 411 concurred in as follows:
Yeas: Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jackson, Jent, Jones, Kaufmann, Keane, Larsen, Lewis, Moss, Mowbray, Murphy, Priest, Shockley, Sonju, Stewart-Peregoy, Tropila, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Windy Boy, Mr. President.
Total 37

Nays: Arthun, Essmann, Hinkle, Hutton, Lake, Moore, Olson, Ripley, Steinbeisser, Tutvedt, Walker, Wittich, Zinke.
Total 13

Paired: Gallus, Aye; Wittich, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 551 concurred in as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Paired: Brown, Aye; Gallus, No.

Absent or not voting: None.

Total 0

Excused: None.
Total 0

HB 587 concurred in as follows:
Yeas: Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 48

Nays: Arthun.
Total 1

Absent or not voting: None.
Total 0

Excused: Gallus.
Total 1

HB 619 concurred in as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Gallus, Hawks, Hinkle, Hutton, Jackson, Jones, Keane, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Wittich, Zinke, Mr. President.
Total 33

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gillan, Hamlett, Jent, Kaufmann, Larsen, Moss, Stewart-Peregoy, Van Dyk, Wanzenried, Williams, Windy Boy.
Total 17

Paired: Gallus, Aye; Blewett, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

MOTIONS

Senator Essmann moved to appoint a Conference Committee on **SB 338** and request the House to appoint a like committee. Motion Carried. President Peterson appointed:

4/8/2011

Senator Brown, Chair
Senator Arthun
Senator Hawks

Senator Essmann moved to appoint a Conference Committee on **SB 198** and request the House to appoint a like committee. Motion Carried. President Peterson appointed:

4/8/2011

Senator Ripley, Chair
Senator Balyeat
Senator Facey

Senator Essmann moved to appoint a Conference Committee on **HB 132** and request the House to appoint a like committee. Motion Carried. President Peterson appointed:

4/8/2011

Senator Tutvedt, Chair
Senator Arthun
Senator Gillan

Senator Essmann moved to appoint a Conference Committee on **SB 126** and request the House to appoint a like committee. Motion Carried. President Peterson appointed:

4/8/2011

Senator Brown, Chair
Senator Larsen
Senator Moore

Senator Williams moved to change her vote on **HB 619** from Yes to No. Without objection, so ordered.

Senator Van Dyk moved to change his vote on **SB 149** from No to Yes. Without objection, so ordered.

Senator Moss moved to change her vote on **SB 29** from Yes to No. Without objection, so ordered.

Senator Jent moved to change his vote on **HB 613** from Yes to No. Without objection, so ordered.

REPORTS OF SELECT COMMITTEES

CONFERENCE COMMITTEE
on Senate Amendments to **House Bill 29**
Report No. 1, April 8, 2011

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered Senate amendments to **House Bill 29** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 29** (reference copy -- salmon) be amended as follows:

1. Title, page 1, line 5.
Strike: "DEPLOYMENT"
Insert: "SERVICE OVERSEAS"

2. Page 3, line 26 through line 27.
Strike: "DEPLOYMENT" on line 26 through "U.S.C. 101(A)(13)" on line 27
Insert: "service overseas"

For the House:	For the Senate:
Facey	Berry, Vice Chair
Moore	McNiven

CONFERENCE COMMITTEE
on Senate Amendments to **House Bill 258**
Report No. 1, April 8, 2011

Mr. President and Mr. Speaker:
We, your Conference Committee met and considered Senate amendments to **House Bill 258** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 258** (reference copy -- salmon) be amended as follows:

1. Page 4, line 12 through line 13.
Following: "(2)"
Insert: "(a)"
Strike: "who" on line 12 through "overnight." on line 13
Insert: "whose primary purpose on the guest ranch is to participate in recreational activities regularly provided by the guest ranch for a fee including but not limited to hunting, horseback riding, working cattle, hiking, biking, snowmobiling, or fishing, who may be served food incidental to the activity, and who does not stay overnight.
(b) The term does not include persons attending weddings, parties, large group functions, or other meals not related to the recreational activities described in subsection (2)(a) and who may not be served food unless the guest ranch or other entity serving the food has a license issued pursuant to 50-50-201."

2. Page 4, line 22.
Following: "provides"
Insert: "recreational activities that include but are not limited to"

Following: "fishing,"
Insert: "hiking, biking, snowmobiling,"

For the House:

Mowbray, Chair
Tropila
Jackson

For the Senate:

Edmunds, Vice Chair
Hansen

SPECIAL ORDERS OF THE DAY

Senator Brown thanked the Senate pages for their work during the week of April 4-8, 2011.

ANNOUNCEMENTS

Committee meetings were announced by committee chairs.

Majority Leader Essmann moved that the Senate adjourn until 12:30 p.m., Monday, April 11, 2011. Motion carried.

Senate adjourned at 4:12 p.m.

MARILYN MILLER
Secretary of the Senate

JIM PETERSON
President of the Senate

SENATE JOURNAL
62ND LEGISLATURE
EIGHTIETH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
April 11, 2011 — State Capitol

Senate convened at 12:30 p.m. President Peterson presiding. Invocation by Chaplain Keith Johnson. Pledge of Allegiance to the Flag. Roll Call. All members present, except Senators Caferro, Hamlett, Keane, and Vuckovich, excused. Quorum present.

BILLS AND JOURNALS: 4/11/2011

Correctly printed: **SJR 23**, **HB 9**, **HB 10**, **HB 51**, **HB 140**, **HB 159**, **HB 188**, **HB 283**, **HB 317**, **HB 351**, **HB 358**, **HB 370**, **HB 388**, **HB 439**, **HB 475**, **HB 565**, **HB 613**, **HB 616**, **HB 618**.
Correctly engrossed: **SR 16**, **SR 24**, **HB 632**.
Correctly enrolled: **SB 1**, **SB 15**, **SB 29**, **SB 42**, **SB 54**, **SB 59**, **SB 75**, **SB 87**, **SB 99**, **SB 100**, **SB 108**, **SB 110**, **SB 135**, **SB 136**, **SB 138**, **SB 149**, **SB 172**, **SB 173**, **SB 195**, **SB 212**, **SB 234**, **SB 238**, **SB 241**, **SB 255**, **SB 267**, **SB 268**, **SB 279**, **SB 296**, **SB 311**, **SB 327**, **SB 333**, **SB 340**, **SB 347**, **SB 376**, **SB 382**, **SB 385**, **SB 389**, **SB 402**, **SB 413**, **SB 415**, **SJR 4**, **SJR 8**, **SJR 11**, **SR 7**, **SR 8**, **SR 9**, **SR 10**, **SR 11**, **SR 12**, **SR 13**, **SR 19**.
Examined by the sponsor and found to be correct: **SB 413**.
Delivered to the Governor for approval at 9:45 a.m., April 11, 2011: **SB 28**, **SB 36**, **SB 43**, **SB 52**, **SB 120**, **SB 146**, **SB 174**, **SB 222**, **SB 288**, **SB 298**, **SB 307**, **SB 337**, **SB 352**, **SB 357**.
Signed by the Speaker at 12:30 p.m., April 7, 2011: **SB 297**.
Signed by the President at 11:55 a.m., April 7, 2011: **SB 297**.
Signed by the Secretary of the Senate at 8:00 a.m., April 7, 2011: **SB 297**.
Delivered to the Governor for approval at 11:17 a.m., April 11, 2011: **SB 297**.
Signed by the Speaker at 9:42 a.m., April 11, 2011: **SB 11**, **SB 30**, **SB 35**, **SB 68**, **SB 218**, **SB 219**, **SB 224**, **SB 237**, **SB 242**, **SB 246**, **SB 266**, **SB 277**, **SB 278**, **SB 285**, **SB 286**, **SB 312**, **SB 330**, **SB 374**, **SJR 6**.
Signed by the President at 8:30 a.m., April 11, 2011: **SB 11**, **SB 30**, **SB 35**, **SB 68**, **SB 218**, **SB 219**, **SB 224**, **SB 237**, **SB 242**, **SB 246**, **SB 266**, **SB 277**, **SB 278**, **SB 285**, **SB 286**, **SB 312**, **SB 330**, **SB 374**, **SJR 6**.
Signed by the Secretary of the Senate at 9:40 a.m., April 8, 2011: **SB 11**, **SB 30**, **SB 35**, **SB 68**, **SB 218**, **SB 219**, **SB 224**, **SB 237**, **SB 242**, **SB 246**, **SB 266**, **SB 277**, **SB 278**, **SB 285**, **SB 286**, **SB 312**, **SB 330**, **SB 374**, **SJR 6**.
Delivered to the Governor for approval at 11:17 a.m., April 11, 2011: **SB 11**, **SB 30**, **SB 35**, **SB 68**, **SB 218**, **SB 219**, **SB 224**, **SB 237**, **SB 242**, **SB 246**, **SB 266**, **SB 277**, **SB 278**, **SB 285**, **SB 286**, **SB 312**, **SB 330**, **SB 374**, **SJR 6**.
Delivered to the Secretary of State at 11:26 a.m., April 11, 2011: **SJR 6**.

LEGISLATIVE ADMINISTRATION (Brown, Chairman): 5/16/2011
MR. PRESIDENT:
We, your committee on Legislative Administration recommend that employment of the following attaches of the Senate be terminated as of 12:00 p.m., Saturday, April 9, 2011:

TITLE	NAME
Pages:	Brittany Bernhart, Three Forks
	Ariana Lipkind, Missoula
	Jonathan Reimer, Whitefish
	Samantha Robinson, Helena
	Katie Stocker, Billings
	Kelsey Strom, Billings

and recommend that the following attaches of the Senate be employed as of 8:00 a.m., Monday, April 11, 2011:

TITLE	NAME
Pages:	Sami Doane, Richey
	Tate Lamb, Belgrade
	Matt Myers, Churchill
	Michelle Porta, Billings
	Josh Sinrud, Belgrade
	Katie Staffanson, Sidney
	James Werk, Harlem

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Balyeat, Chairman): 4/11/2011
SR 16, do pass. Report adopted.

STATE ADMINISTRATION (Shockley, Chairman): 4/8/2011
SR 24, do pass. Report adopted.
HB 306, be concurred in. Report adopted.
HB 632, be amended as follows:

1. Page 7, line 15.

"COORDINATION SECTION. **Section 3. Coordination instruction.** If House Bill No. 316 and [this act] are both passed and approved and if both of these bills contain a section that amends 15-35-108, then sections amending 15-35-108 are void and 15-35-108 must be amended as follows:

"15-35-108. (Temporary) Disposal of severance taxes. Severance taxes collected under this chapter must, in accordance with the provisions of 17-2-124, be allocated as follows:

(1) Fifty percent of total coal severance tax collections is allocated to the trust fund created by Article IX, section 5, of the Montana constitution. The trust fund money must be deposited in the fund established under 17-6-203(6) and invested by the board of investments as provided by law.

(2) The amount of 12% of coal severance tax collections is allocated to the long-range building program account established in 17-7-205.

(3) The amount of 5.46% must be credited to an account in the state special revenue fund

to be allocated by the legislature for provision of basic library services for the residents of all counties through library federations and for payment of the costs of participating in regional and national networking, conservation districts, and the Montana Growth Through Agriculture Act. Expenditures of the allocation may be made only from this account. Money may not be transferred from this account to another account other than the general fund. Beginning July 1, 2012, any unreserved fund balance at the end of each fiscal year must be deposited in the general fund.

(4) The amount of ~~1.27%~~ 1.143% must be allocated to a permanent fund account for the purpose of parks acquisition or management. Income from this permanent fund account, excluding unrealized gains and losses, must be ~~appropriated~~ used for the acquisition, development, operation, and maintenance of any sites and areas described in 23-1-102.

(5) The amount of 0.95% must be allocated to the debt service fund type to the credit of the renewable resource loan debt service fund.

(6) The amount of 0.63% must be allocated to a trust fund for the purpose of protection of works of art in the capitol and for other cultural and aesthetic projects. Income from this trust fund account, excluding unrealized gains and losses, must be ~~appropriated~~ used for protection of works of art in the state capitol and for other cultural and aesthetic projects.

(7) The amount of [5.8% through ~~September~~ June 30, 2013, and beginning ~~October~~ July 1, 2013, the amount of] 2.9% must be credited to the coal natural resource account established in 90-6-1001(2).

(8) After the allocations are made under subsections (2) through (7), ~~$250,000~~ $225,000 for the fiscal year must be credited to the coal and uranium mine permitting and reclamation program account established in 82-4-244.

(9) (a) Subject to subsection (9)(b), all other revenue from severance taxes collected under the provisions of this chapter must be credited to the general fund of the state.

(b) The interest income from $140 million of the coal severance tax permanent fund that is deposited in the general fund is statutorily appropriated, as provided in 17-7-502, on an annual basis as follows:

(i) $65,000 to the cooperative development center;

(ii) $625,000 for the growth through agriculture program provided for in Title 90, chapter 9;

(iii) ~~$1.275~~ $1.031 million to the research and commercialization state special revenue account created in 90-3-1002;

(iv) to the department of commerce:

(A) $125,000 for a small business development center;

(B) $50,000 for a small business innovative research program;

(C) $425,000 for certified regional development corporations;

(D) $200,000 for the Montana manufacturing extension center at Montana state university-Bozeman; and

(E) $300,000 for export trade enhancement. (Terminates June 30, 2013--sec. 5, Ch. 459, L. 2009.)

15-35-108. (Effective July 1, 2013) Disposal of severance taxes. Severance taxes collected under this chapter must, in accordance with the provisions of 17-2-124, be allocated as follows:

(1) Fifty percent of total coal severance tax collections is allocated to the trust fund created by Article IX, section 5, of the Montana constitution. The trust fund money must be deposited in the fund established under 17-6-203(6) and invested by the board of investments as provided by law.

(2) ~~The~~ Beginning July 1, 2013:

(a) the dollar amount ~~of~~ equal to 12% of coal severance tax collections in fiscal year 2013 is allocated to the long-range building program account established in 17-7-205~~.~~;

~~(3)~~(b) ~~The~~ the dollar amount ~~of~~ equal to 5.46% of coal severance tax collections in fiscal year 2013 must be credited to an account in the state special revenue fund to be allocated by the legislature for provision of basic library services for the residents of all counties through library federations and for payment of the costs of participating in regional and national networking, conservation districts, and the Montana Growth Through Agriculture Act. Expenditures of the allocation may be made only from this account. Money may not be transferred from this account to another account other than the general fund. Beginning July 1, 2012, any unreserved fund balance at the end of each fiscal year must be deposited in the general fund.

~~(4)~~(c) ~~The~~ the dollar amount ~~of~~ equal to 1.27% of coal severance tax collections in fiscal year 2013 must be allocated to a permanent fund account for the purpose of parks acquisition or management. Income from this permanent fund account, excluding unrealized gains and losses, must be ~~appropriated~~ used for the acquisition, development, operation, and maintenance of any sites and areas described in 23-1-102.

~~(5)~~(d) ~~The~~ the dollar amount ~~of~~ equal to 0.95% of coal severance tax collections in fiscal year 2013 must be allocated to the debt service fund type to the credit of the renewable resource loan debt service fund~~.~~;

~~(6)~~(e) ~~The~~ the dollar amount ~~of~~ equal to 0.63% of coal severance tax collections in fiscal year 2013 must be allocated to a trust fund for the purpose of protection of works of art in the capitol and for other cultural and aesthetic projects. Income from this trust fund account, excluding unrealized gains and losses, must be ~~appropriated~~ used for protection of works of art in the state capitol and for other cultural and aesthetic projects.

~~(7)~~(f) ~~The~~ the dollar amount ~~of [5.8% through September 30, 2013, and beginning October 1, 2013, the amount of]~~ equal to 2.9% of coal severance tax collections in fiscal year 2013 must be credited to the coal natural resource account established in 90-6-1001(2)~~.~~; and

~~(8)~~(g) ~~After~~ after the allocations are made under subsections (2)(a) through ~~(7)~~ (2)(f), $250,000 for the fiscal year must be credited to the coal and uranium mine permitting and reclamation program account established in 82-4-244.

(3) (a) Except as provided in subsection (3)(b), the separate dollar amounts calculated pursuant to subsections (2)(a) through (2)(g) must be increased or decreased each year by the change in the consumer price index, as defined in 15-30-2101, for the preceding year.

(b) (i) Except as provided in subsection (3)(b)(ii), if the amount of revenue collected in any fiscal year pursuant to this chapter is less than the amount collected in fiscal year 2013, the amounts to be credited pursuant to subsections (2)(a) through (2)(g) revert to the amounts credited in fiscal year 2013 but reduced by the percentage by which the amount of revenue collected under this chapter in the current fiscal year differs from the amount of revenue collected in fiscal year 2013.

(ii) If any of the revenue allocated under subsections (2)(a) through (2)(g) is dedicated to the payment of principal and interest on bonds, the amount dedicated to the payment of the principal and interest may not be reduced but must be paid from the account or fund specified for the payment. If the account or fund from which the principal and interest are required to be paid does not have sufficient funds to fully pay the principal and interest, the amount remaining to be paid must be reallocated from the other accounts and funds by proportionately reducing the amounts credited to the other accounts and funds pursuant to subsections (2)(a) through (2)(g).

~~(9)~~(4) (a) Subject to ~~subsection (9)(b),~~ subsections (4)(b) and (5), all other revenue from severance taxes collected under the provisions of this chapter must be credited to the ~~general fund of the state~~ respective trust funds for the public employees' retirement system defined benefit plan provided for in 19-3-103, the sheriffs' retirement system provided for in 19-7-102, the game wardens' and peace officers' retirement system provided for in 19-8-102, and the teachers' retirement system provided for in 19-20-102 in the proportion that the unfunded actuarial liability of each of the systems bears to the sum of the unfunded actuarial liabilities of all four systems.

(b) If any of the retirement systems listed in subsection (4)(a) is funded on an actuarially sound basis, as defined in 19-2-409, the revenue to be credited to the retirement systems pursuant to subsection (4)(a) must be allocated proportionately to the systems that are not funded on an actuarially sound basis.

~~(b)~~(c) The interest income from $140 million of the coal severance tax permanent fund that is deposited in the general fund is statutorily appropriated, as provided in 17-7-502, on an annual basis as follows:

(i) $65,000 to the cooperative development center;

(ii) $1.25 million for the growth through agriculture program provided for in Title 90, chapter 9;

(iii) $3.65 million to the research and commercialization state special revenue account created in 90-3-1002;

(iv) to the department of commerce:

(A) $125,000 for a small business development center;

(B) $50,000 for a small business innovative research program;

(C) $425,000 for certified regional development corporations;

(D) $200,000 for the Montana manufacturing extension center at Montana state university-Bozeman; and

(E) $300,000 for export trade enhancement.

(5) If the amount of coal severance tax revenue credited to the retirement systems under subsections (2) through (4) exceeds the amount needed to fund all of the retirement systems listed in subsection (4)(a) on an actuarially sound basis, as defined in 19-2-409, the excess amount must be credited to the state general fund. (Terminates June 30, 2019--secs. 2, 3, Ch. 459, L. 2009.)

15-35-108. (Effective July 1, 2019) Disposal of severance taxes. Severance taxes collected under this chapter must, in accordance with the provisions of 17-2-124, be allocated as follows:

(1) Fifty percent of total coal severance tax collections is allocated to the trust fund created by Article IX, section 5, of the Montana constitution. The trust fund money must be deposited in the fund established under 17-6-203(6) and invested by the board of investments as provided by law.

(2) ~~The~~ Beginning July 1, 2013:

(a) the dollar amount ~~of~~ equal to 12% of coal severance tax collections in fiscal year 2013 is allocated to the long-range building program account established in 17-7-205~~.~~;

~~(3)~~(b) ~~The~~ the dollar amount equal to 5.46% of coal severance tax collections in fiscal year 2013 must be credited to an account in the state special revenue fund to be allocated by the legislature for provision of basic library services for the residents of all counties through library federations and for payment of the costs of participating in regional and national networking, conservation districts, and the Montana Growth Through Agriculture Act. Expenditures of the allocation may be made only from this account. Money may not be transferred from this account

to another account other than the general fund. Beginning July 1, 2012, any unreserved fund balance at the end of each fiscal year must be deposited in the general fund.

~~(4)~~(c) ~~The~~ the dollar amount ~~of~~ equal to 1.27% of coal severance tax collections in fiscal year 2013 must be allocated to a permanent fund account for the purpose of parks acquisition or management. Income from this permanent fund account, excluding unrealized gains and losses, must be ~~appropriated~~ used for the acquisition, development, operation, and maintenance of any sites and areas described in 23-1-102.

~~(5)~~(d) ~~The~~ the dollar amount ~~of~~ equal to 0.95% of coal severance tax collections in fiscal year 2013 must be allocated to the debt service fund type to the credit of the renewable resource loan debt service fund~~.~~;

~~(6)~~(e) ~~The~~ the dollar amount ~~of~~ equal to 0.63% of coal severance tax collections in fiscal year 2013 must be allocated to a trust fund for the purpose of protection of works of art in the capitol and for other cultural and aesthetic projects. Income from this trust fund account, excluding unrealized gains and losses, must be ~~appropriated~~ used for protection of works of art in the state capitol and for other cultural and aesthetic projects.

~~(7)~~(f) ~~The~~ the dollar amount ~~of~~ equal to 2.9% of coal severance tax collections in fiscal year 2013 must be credited to the coal natural resource account established in 90-6-1001(2)~~.~~; and

~~(8)~~(g) ~~After~~ after the allocations are made under subsections (2)(a) through ~~(7)~~(2)(f), $250,000 for the fiscal year must be credited to the coal and uranium mine permitting and reclamation program account established in 82-4-244.

(3) (a) Except as provided in subsection (3)(b), the separate dollar amounts calculated pursuant to subsections (2)(a) through (2)(g) must be increased or decreased each year by the change in the consumer price index, as defined in 15-30-2101, for the preceding year.

(b) (i) Except as provided in subsection (3)(b)(ii), if the amount of revenue collected in any fiscal year pursuant to this chapter is less than the amount collected in fiscal year 2013, the amounts to be credited pursuant to subsections (2)(a) through (2)(g) revert to the amounts credited in fiscal year 2013 reduced by the percentage by which the amount of revenue collected under this chapter in the current fiscal year differs from the amount of revenue collected in fiscal year 2013.

(ii) If any of the revenue allocated under subsections (2)(a) through (2)(g) is dedicated to the payment of principal and interest on bonds, the amount dedicated to the payment of the principal and interest may not be reduced but must be paid from the account or fund specified for the payment. If the account or fund from which the principal and interest are required to be paid does not have sufficient funds to fully pay the principal and interest, the amount remaining to be paid must be reallocated from the other accounts and funds by proportionately reducing the amounts credited to the other accounts and funds pursuant to subsections (2)(a) through (2)(g).

~~(9)~~(4) (a) ~~All~~ Subject to subsections (4)(b) and (5), all other revenue from severance taxes collected under the provisions of this chapter must be credited to the ~~general fund of the state~~ respective trust funds for the public employees' retirement system defined benefit plan provided for in 19-3-103, the sheriffs' retirement system provided for in 19-7-102, the game wardens' and peace officers' retirement system provided for in 19-8-102, and the teachers' retirement system provided for in 19-20-102 in the proportion that the unfunded actuarial liability of each of the systems bears to the sum of the unfunded actuarial liabilities of all four systems.

(b) If any of the retirement systems listed in subsection (4)(a) is funded on an actuarially sound basis, as defined in 19-2-402, the revenue to be credited to the retirement systems pursuant to subsection (4)(a) must be allocated proportionately to the systems that are not funded on an actuarially sound basis.

(5) If the amount of coal severance tax revenue credited to the retirement systems under subsections (2) through (4) exceeds the amount needed to fund all of the retirement systems listed in subsection (4)(a) on an actuarially sound basis, as defined in 19-2-402, the excess amount must be credited to the state general fund.""

Insert: "NEW SECTION. **Section 4. Coordination instruction.** (1) If House Bill No. 122 is not passed and approved, then [this act] is void.

(2) If Senate Bill No. 54 is not passed and approved, then [this act] is void."

Renumber: subsequent sections

And, as amended, be concurred in. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bill passed and transmitted to the Senate for concurrence: 4/8/2011

HB 642, introduced by Blasdel

Senate bills concurred in and returned to the Senate: 4/8/2011

SB 296, introduced by Tutvedt
SB 333, introduced by Shockley
SB 376, introduced by Lake
SB 382, introduced by Gillan
SB 402, introduced by Balyeat
SB 413, introduced by Balyeat

Senate joint resolution concurred in and returned to the Senate: 4/8/2011

SJR 11, introduced by J. Peterson

Senate bills concurred in as amended and returned to the Senate for concurrence in House amendments:

4/8/2011

SB 215, introduced by Gallus
SB 299, introduced by Hamlett
SB 331, introduced by Jent
SB 410, introduced by Brenden

SB 153 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following Conference Committee to meet with a like committee from the Senate to confer on House amendments to **SB 153:**

4/8/2011

Representative Kerns, Vice Chair
Representative O'Hara
Representative Menehan

SB 156 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following Conference Committee to meet with a like committee from the Senate to confer on House amendments to **SB 156:**

4/8/2011

Representative Bangerter, Vice Chair
Representative Read
Representative Pease-Lopez

SB 221 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following Conference Committee to meet with a like committee from the Senate to confer on House amendments to **SB 221:**

4/8/2011

Representative Berry, Vice Chair
Representative Hunter
Representative Salomon

SB 97 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following **Free** Conference Committee to meet with a like committee from the Senate to confer on **SB 97:**

4/8/2011

Representative Peterson, Vice Chair
Representative Bangerter
Representative Driscoll

MOTIONS

Senator Sonju moved to suspend the rules to allow for the late introduction of **HB 642**. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Erickson, Essmann, Facey, Gallus, Gillan, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tutvedt, Van Dyk, Vincent, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 45

Nays: Tropila.
Total 1

Absent or not voting: None.
Total 0

Excused: Caferro, Hamlett, Keane, Vuckovich.
Total 4

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Essmann moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Sonju in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

Senator Caferro present.

HB 219 - **Governor's Amendments** - Senator Essmann moved Governor's amendments to **HB 219** be **not** concurred in. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hawks, Jent, Kaufmann, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried, Williams, Windy Boy.
Total 19

Absent or not voting: None.
Total 0

Excused: Hamlett, Keane, Vuckovich.
Total 3

Senator Hamlett present.

HB 327 - **Governor's Amendments** - Senator Moss moved Governor's amendments to **HB 327** be **not** concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Lake, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Vincent, Walker, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 43

Nays: Balyeat, Gallus, Larsen, Van Dyk, Wittich.
Total 5

Absent or not voting: None.
Total 0

Excused: Keane, Vuckovich.
Total 2

HB 186 - Senator Facey moved **HB 186** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Blewett, Branae, Brown, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Jones, Kaufmann, Larsen, Lewis, Moore, Moss, Murphy, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 30

Nays: Balyeat, Barrett, Brenden, Buttrey, Hinkle, Hutton, Jackson, Lake, Mowbray, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Vincent, Walker, Wittich.
Total 18

Absent or not voting: None.
Total 0

Excused: Keane, Vuckovich.
Total 2

HB 363 - Senator Vincent moved **HB 363** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Lake, Larsen, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tropila, Tutvedt, Van Dyk, Vincent, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 43

Nays: Caferro, Erickson, Kaufmann, Moss, Stewart-Peregoy.
Total 5

Absent or not voting: None.
Total 0

Excused: Keane, Vuckovich.
Total 2

Senator Keane present.

Senator Vuckovich present.

HB 370 - Senator Zinke moved **HB 370** be concurred in.

HB 370 - Senator Zinke moved **HB 370**, second reading copy, be amended as follows:

1. Page 5, line 10.
Strike: "$5.25"
Insert: "$5.37"

2. Page 5, line 11.
Strike: "50"
Insert: "38"

Amendment adopted as follows:
Yeas: Arthun, Balyeat, Brenden, Brown, Buttrey, Essmann, Facey, Hinkle, Hutton, Jackson, Jent, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Nays: Augare, Barrett, Blewett, Branae, Caferro, Erickson, Gallus, Gillan, Hamlett, Hawks, Kaufmann, Keane, Larsen, Moss, Steinbeisser, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 370 - Senator Wittich moved **HB 370**, second reading copy, be amended as follows:

1. Title, line 6.
Following: "CITY;"
Insert: "REVISING THE OPTIONAL MOTOR VEHICLE REGISTRATION FEE PROCESS;"

2. Page 5, line 6.
Following: "in"
Insert: "either"
Following: "(18)(b)"
Insert: "or (18)(c)"

3. Page 5, line 16.
Following: line 15
Insert: "(c)(i) A person who registers one or more light vehicles may, at the time of annual registration, certify that the person does not intend to use any of the vehicles to visit state parks and fishing access sites and may make a written election not to pay the additional $6 fee provided for in subsection (18)(a). If a written election is made, the fee may not be collected at any subsequent annual registration unless the person makes the written election to pay the additional fee on one or more of the light vehicles.

(ii) The written election not to pay the additional fee on a light vehicle expires if the vehicle is registered to a different person."

Amendment adopted as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hamlett, Hinkle, Hutton, Jackson, Jent, Jones, Lake, Lewis, Moore, Mowbray, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Vuckovich, Walker, Wittich, Zinke, Mr. President.
Total 30

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hawks, Kaufmann, Keane, Larsen, Moss, Murphy, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried, Williams, Windy Boy.
Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 370 - Senator Zinke moved **HB 370**, as amended, be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Kaufmann, Keane, Larsen, Moss, Mowbray, Murphy, Shockley, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 32

Nays: Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Jones, Lake, Lewis, Moore, Olson, Priest, Ripley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker.
Total 18

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 372 - Senator Hinkle moved **HB 372** be concurred in. Motion **failed** as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hamlett, Hinkle, Hutton, Jackson, Jones, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Steinbeisser, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 25

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hawks, Jent,

Kaufmann, Keane, Lake, Larsen, Moss, Shockley, Sonju, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 25

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 387 - Senator Jent moved **HB 387** be concurred in. Motion **failed** as follows:
Yeas: Arthun, Balyeat, Barrett, Brown, Hawks, Hinkle, Jent, Moore, Murphy, Steinbeisser, Tutvedt.
Total 11

Nays: Augare, Blewett, Branae, Brenden, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hutton, Jackson, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moss, Mowbray, Olson, Priest, Ripley, Shockley, Sonju, Stewart-Peregoy, Tropila, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 39

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Gallus excused.

HB 387 - Senator Williams moved **HB 387** be **indefinitely postponed**. Motion carried as follows:

Yeas: Arthun, Augare, Blewett, Branae, Buttrey, Caferro, Erickson, Essmann, Facey, Gillan, Hamlett, Hawks, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moss, Olson, Priest, Shockley, Sonju, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 35

Nays: Balyeat, Barrett, Brenden, Brown, Hinkle, Hutton, Jackson, Jent, Moore, Mowbray, Murphy, Ripley, Steinbeisser, Wittich.
Total 14

Absent or not voting: None.
Total 0

Excused: Gallus.
Total 1

HB 607 - Senator Hinkle moved **HB 607** be concurred in. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Branae, Brenden, Brown, Buttrey, Caferro, Essmann, Facey, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wanzenried, Wittich, Zinke, Mr. President.
Total 39

Nays: Augare, Blewett, Erickson, Kaufmann, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Williams, Windy Boy.
Total 10

Absent or not voting: None.
Total 0

Excused: Gallus.
Total 1

HB 444 - Senator Wittich moved **HB 444** be concurred in.

Senator Gallus present.

Senator Wittich moved consideration of **HB 444** be placed at the bottom of the second reading board. Motion carried.

HB 577 - Senator Moore moved **HB 577** be concurred in. Motion carried as follows:
Yeas: Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Mr. President.
Total 26

Nays: Arthun, Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke.
Total 24

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 641 - Senator Lake moved **HB 641** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 492 - Senator Shockley moved **HB 492** be concurred in. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jent, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 29

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 518 - Senator Moss moved **HB 518** be concurred in.

HB 518 - Senator Moss moved **HB 518**, second reading copy, be amended as follows:

1. Page 5, line 13.
Following: "care"
Strike: "and"
Insert: ". A health care provider's inability to follow the specific terms of the directive because it violates the standard of care does not require a revocation of the directive. A health care provider or mental health professional"

Amendment adopted as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 518 - Senator Moss moved **HB 518**, as amended, be concurred in. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 494 - Senator Wittich moved **HB 494**, as amended, be concurred in. Motion **failed** as follows:
Yeas: Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Gallus, Hinkle, Hutton, Jackson, Lake, Lewis, Moore, Mowbray, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Mr. President.
Total 25

Nays: Arthun, Augare, Blewett, Branae, Caferro, Erickson, Facey, Gillan, Hamlett, Hawks, Jent, Jones, Kaufmann, Keane, Larsen, Moss, Murphy, Stewart-Peregoy, Tropila, Van Dyk,

Vuckovich, Wanzenried, Williams, Windy Boy, Zinke.
Total 25

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 494 - Senator Williams moved **HB 494** be **indefinitely postponed**. Motion **failed** as follows:
Yeas: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Nays: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 560 - Senator Buttrey moved **HB 560** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Larsen, Lewis, Moss, Murphy, Olson, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Wanzenried, Williams, Zinke, Mr. President.
Total 38

Nays: Balyeat, Brenden, Hinkle, Lake, Moore, Mowbray, Priest, Vincent, Vuckovich, Walker, Windy Boy, Wittich.
Total 12

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 561 - Senator Buttrey moved **HB 561** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brown, Buttrey, Caferro, Essmann, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Vincent, Walker, Wanzenried, Williams, Zinke, Mr. President.
Total 41

Nays: Brenden, Erickson, Facey, Kaufmann, Lake, Van Dyk, Vuckovich, Windy Boy, Wittich.
Total 9

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 562 - Senator Buttrey moved **HB 562** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Walker, Wanzenried, Williams, Zinke, Mr. President.
Total 46

Nays: Keane, Vuckovich, Windy Boy, Wittich.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 638 - Senator Shockley moved **HB 638** be concurred in.

HB 638 - Senator Shockley moved **HB 638**, second reading copy, be amended as follows:

1. Page 2, line 6 through line 8.
Following: line 5
Strike: subsection (vi) through subsection (viii) in their entirety
Renumber: subsequent subsections

2. Page 2, line 11.
Following: "19"

Insert: ", parts 3 and 4"

3. Page 2, line 12 through line 13.
Following: line 11
Strike: subsection (xii) through subsection (xiii) in their entirety
Renumber: subsequent subsection

Amendment adopted as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 49

Nays: Wittich.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 638 - Senator Shockley moved **HB 638**, as amended, be concurred in. Motion carried as follows:
Yeas: Arthun, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 27

Nays: Augare, Balyeat, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 23

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Essmann moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. Senate resumed. President Peterson in the chair.

Chairman Sonju moved the Committee of the Whole report be adopted. Report adopted as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Brenden, Brown, Buttrey, Caferro, Essmann, Facey, Gallus, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Van Dyk, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 36

Nays: Branae, Erickson, Gillan, Hamlett, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 14

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Essmann moved the Senate recess until 4:15 p.m. Motion carried.

Senate in recess.

Senate reconvened.

MOTIONS

Senator Brendan moved to reconsider action on **HB 372** and that **HB 372** be placed on second reading today. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hamlett, Hinkle, Hutton, Jackson, Jent, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Vuckovich, Walker, Wanzenried, Windy Boy, Wittich, Zinke, Mr. President.
Total 33

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hawks, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Williams.
Total 17

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Wittich moved **SB 444** be moved from second reading to the Finance and Claims committee. Without objection, so ordered.

Senator Wittich moved to reconsider action on **HB 494** and that **HB 494** be placed on second reading today. Motion carried as follows:

Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

REPORTS OF STANDING COMMITTEES

JUDICIARY (Murphy, Chairman): 4/11/2011
SJR 29, do pass. Report adopted.
SR 30, be adopted. Report adopted.

REPORTS OF SELECT COMMITTEES

CONFERENCE COMMITTEE
on Senate Amendments to **House Bill 132**
Report No. 1, April 11, 2011

Mr. President and Mr. Speaker:
We, your Conference Committee met and considered Senate amendments to **House Bill 132** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that Senate amendments to **House Bill 132** (reference copy -- salmon) be amended as follows:

1. Page 8, line 8.
Strike: "1,000-POUND"
Insert: "1,200-pound"

For the Senate:

Tutvedt, Chair
Arthun
Gillan

For the House:

Hoven, Vice Chair
Taylor

CONFERENCE COMMITTEE
on Senate Amendments to **House Bill 47**
Report No. 1, April 8, 2011

Mr. President and Mr. Speaker:
We, your Conference Committee met and considered Senate amendments to **House Bill 47** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that Senate amendments to **House Bill 47** (reference copy -- salmon) be accepted by the House.

For the Senate:

Balyeat, Chair
Hinkle

For the House:

Peterson, Vice Chair
Kennedy

CONFERENCE COMMITTEE
on Senate Amendments to **House Bill 297**
Report No. 1, April 11, 2011

Mr. President and Mr. Speaker:
We, your Conference Committee met and considered Senate amendments to **House Bill 297** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 297** (reference copy -- salmon) be amended as follows:

1. Page 1, line 15.
Strike: "2013"
Insert: "2015"

For the House:

Shockley, Chair
Augare

For the Senate:

Berry, Vice Chair
B. Bennett
Stahl

FIRST READING AND COMMITMENT OF BILLS

The following Senate joint resolution was introduced, read first time, and referred to committee:

SJR 30, introduced by Windy Boy, Stewart-Peregoy, Caferro, Augare, Vuckovich, Roberts, Ankney, Read, referred to Judiciary.

The following Senate resolution was introduced, read first time, and referred to committee:

SR 32, introduced by Murphy, referred to Judiciary.

The following House bill was introduced, read first time, and referred to committee:

HB 642, introduced by Blasdel, Sonju, C. Williams, McGillvray, Hollenbaugh, Vincent, Buttrey, Olson, Gillan, Milburn, Essmann, referred to Finance and Claims.

SPECIAL ORDERS OF THE DAY

Senator Brown introduced the Senate pages for the week of April 11-16, 2011.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Essmann moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Gallus in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SJR 26 - Senator Lewis moved **SJR 26** do pass.

SJR 26 - Senator Hawks moved **SJR 26**, second reading copy, be amended as follows:

1. Page 3, line 13.
Strike: "implementing"
Insert: "implementation of current"
Strike: "to create"
Insert: "toward furthering"
Following: "use"
Insert: ","
Strike: "and"
Strike: "to improve"
Insert: "improving"

2. Page 3, line 14.
Following: "performance"
Insert: "through the use of data, and providing data tools for schools to assist them in making data-driven decisions"

3. Page 3, line 15.
Following: "(2)"
Insert: "shared policy"

Amendment **not** adopted as follows:
Yeas: Augare, Blewett, Branae, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Murphy, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 25

Nays: Arthun, Balyeat, Barrett, Brenden, Brown, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 25

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJR 26 - Thereupon, the Senate reverted to the original motion of Senator Lewis which passed as follows:

Yeas: Arthun, Balyeat, Barrett, Branae, Brenden, Brown, Buttrey, Essmann, Gillan, Hamlett, Hinkle, Hutton, Jackson, Jent, Jones, Lake, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Vuckovich, Walker, Windy Boy, Wittich, Zinke, Mr. President.
Total 35

Nays: Augare, Blewett, Caferro, Erickson, Facey, Gallus, Hawks, Kaufmann, Keane, Larsen, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried, Williams.
Total 15

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJR 27 - Senator Caferro moved **SJR 27** do pass. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich,

Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: Jackson.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SR 28 - Senator Buttrey moved **SR 28** be adopted.

SR 28 - Senator Buttrey moved **SR 28**, second reading copy, be amended as follows:

1. Title, page 1, line 4.
Following: "URGING THE"
Insert: "PRESIDENT OF THE UNITED STATES, THE"

2. Title, page 1, line 5.
Following: "DEFENSE"
Insert: ", AND CONGRESS"

3. Page 3, line 17.
Following: "Senate ask"
Insert: "the President of the United States, the Secretary of Defense, and"

4. Page 5, line 8.
Following: "resolution to"
Insert: "President of the United States Barack Obama,"

5. Page 5, line 9.
Strike: "Secretary of the Air Force Michael Donley,"
Insert: "Senate Majority Leader Harry Reid, Speaker of the House of Representatives John Boehner,"

Amendment adopted as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SR 28 - Senator Buttrey moved **SR 28**, as amended, be adopted. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: Shockley.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 2 - **Free Conference Committee Report No. 1** - Senator Lewis moved the Free Conference Committee report to **HB 2** be adopted. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Wittich, Zinke, Mr. President.
Total 26

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Walker, Wanzenried, Williams, Windy Boy.
Total 24

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 316 - Senator Zinke moved **HB 316** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Brown, Buttrey, Essmann, Facey, Gillan, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moss, Mowbray, Murphy, Priest, Ripley, Shockley, Tutvedt, Vincent, Williams, Wittich, Zinke, Mr. President.
Total 27

Nays: Blewett, Branae, Brenden, Caferro, Erickson, Gallus, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moore, Olson, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Walker, Wanzenried, Windy Boy.
Total 23

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 372 - Senator Hinkle moved **HB 372** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tutvedt, Vincent, Walker, Windy Boy, Wittich, Zinke, Mr. President.
Total 41

Nays: Erickson, Kaufmann, Larsen, Moss, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams.
Total 9

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 494 - Senator Wittich moved **HB 494** be concurred in. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Gallus, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Mr. President.
Total 27

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Murphy, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke.
Total 23

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Essmann moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Peterson in the chair. Chairman Gallus moved the Committee of the Whole report be adopted. Report adopted as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Brenden, Brown, Buttrey, Caferro, Essmann, Facey, Gallus, Gillan, Hamlett, Hinkle, Hutton, Jackson, Jones, Lake, Larsen, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tropila, Tutvedt, Van Dyk, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 37

Nays: Blewett, Branae, Erickson, Hawks, Jent, Kaufmann, Keane, Moss, Stewart-Peregoy, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 13

Absent or not voting: None.
Total 0

Excused: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 16, **as amended by the House**, passed as follows:
Yeas: Arthun, Augare, Barrett, Branae, Brenden, Brown, Buttrey, Caferro, Essmann, Facey, Gallus, Hamlett, Hawks, Hutton, Jackson, Jones, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Vincent, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 39

Nays: Balyeat, Blewett, Erickson, Gillan, Hinkle, Jent, Kaufmann, Shockley, Van Dyk, Walker, Wittich.
Total 11

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJR 23 adopted as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 27

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Shockley, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 23

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 6 concurred in as follows:
Yeas: Augare, Barrett, Blewett, Branae, Brown, Buttrey, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jent, Jones, Kaufmann, Keane, Larsen, Lewis, Moss, Murphy, Olson, Priest, Ripley, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 36

Nays: Arthun, Balyeat, Brenden, Essmann, Hinkle, Jackson, Lake, Moore, Mowbray, Shockley, Sonju, Vincent, Walker, Wittich.
Total 14

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 9 concurred in as follows:
Yeas: Augare, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Jones, Kaufmann, Keane, Larsen, Lewis, Moss, Mowbray, Murphy, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Mr. President.
Total 32

Nays: Arthun, Balyeat, Essmann, Hinkle, Hutton, Jackson, Lake, Moore, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Vincent, Walker, Wittich, Zinke.
Total 18

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 10 concurred in as follows:
Yeas: Augare, Blewett, Branae, Brown, Buttrey, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Larsen, Lewis, Moss, Mowbray, Murphy, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Mr. President.
Total 36

Nays: Arthun, Balyeat, Barrett, Brenden, Essmann, Lake, Moore, Olson, Priest, Ripley, Shockley, Vincent, Wittich, Zinke.
Total 14

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 51 concurred in as follows:
Yeas: Augare, Barrett, Blewett, Branae, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jent, Jones, Kaufmann, Keane, Larsen, Lewis, Moore, Moss, Murphy, Olson, Priest, Shockley, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 38

Nays: Arthun, Balyeat, Brenden, Hinkle, Jackson, Lake, Mowbray, Ripley, Sonju, Steinbeisser, Walker, Wittich.
Total 12

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 140 concurred in as follows:
Yeas: Arthun, Barrett, Brown, Essmann, Facey, Gallus, Hutton, Jackson, Jones, Kaufmann, Keane, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Stewart-Peregoy, Tutvedt, Vuckovich, Williams, Windy Boy, Zinke, Mr. President.
Total 27

Nays: Augare, Balyeat, Blewett, Branae, Brenden, Buttrey, Caferro, Erickson, Gillan, Hamlett, Hawks, Hinkle, Jent, Lake, Shockley, Sonju, Steinbeisser, Tropila, Van Dyk, Vincent, Walker, Wanzenried, Wittich.
Total 23

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 159 concurred in as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Gallus, Hinkle, Hutton, Jackson, Jones, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Mr. President.
Total 30

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke.
Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 188 concurred in as follows:
Yeas: Augare, Blewett, Branae, Brown, Buttrey, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Williams, Zinke, Mr. President.
Total 36

Nays: Arthun, Balyeat, Barrett, Brenden, Essmann, Hinkle, Hutton, Priest, Ripley, Sonju, Vincent, Walker, Windy Boy, Wittich.
Total 14

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 209 concurred in as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Keane, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Windy Boy, Wittich, Zinke, Mr. President.
Total 30

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams.
Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 283 concurred in as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 27

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moore, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 23

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 317 concurred in as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Caferro, Essmann, Gallus, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 30

Nays: Augare, Blewett, Branae, Erickson, Facey, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 351 concurred in as follows:
Yeas: Arthun, Augare, Barrett, Brenden, Brown, Buttrey, Essmann, Hamlett, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Ripley, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Nays: Balyeat, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hawks, Hinkle, Jent, Kaufmann, Keane, Larsen, Moss, Priest, Sonju, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 388 concurred in as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 439 concurred as follows:
Yeas: Arthun, Augare, Blewett, Branae, Buttrey, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moss, Mowbray, Olson, Ripley, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 36

Nays: Balyeat, Barrett, Brenden, Brown, Essmann, Hinkle, Jackson, Moore, Murphy, Priest, Sonju, Vincent, Walker, Wittich.
Total 14

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 475 concurred in as follows:
Yeas: Barrett, Blewett, Branae, Caferro, Erickson, Facey, Hamlett, Hawks, Jackson, Jent, Larsen, Moss, Mowbray, Murphy, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried, Mr. President.
Total 19

Nays: Arthun, Augare, Balyeat, Brenden, Brown, Buttrey, Essmann, Gallus, Gillan, Hinkle, Hutton, Jones, Kaufmann, Keane, Lake, Lewis, Moore, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Vuckovich, Walker, Williams, Windy Boy, Wittich, Zinke.
Total 31

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 565 concurred in as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 44

Nays: Essmann, Jackson, Priest, Vincent, Walker, Wittich.
Total 6

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 611 concurred in as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Branae, Brenden, Brown, Buttrey, Facey, Gallus, Gillan, Hamlett, Hawks, Jackson, Jones, Lake, Lewis, Moss, Mowbray, Murphy, Olson, Ripley, Steinbeisser, Tutvedt, Vincent, Williams, Zinke, Mr. President.
Total 28

Nays: Blewett, Caferro, Erickson, Essmann, Hinkle, Hutton, Jent, Kaufmann, Keane, Larsen, Moore, Priest, Shockley, Sonju, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Walker, Wanzenried, Windy Boy, Wittich.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 613 concurred in as follows:
Yeas: Arthun, Balyeat, Barrett, Blewett, Brenden, Brown, Buttrey, Caferro, Essmann, Hamlett, Hutton, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Steinbeisser, Tropila, Tutvedt, Vincent, Walker, Zinke, Mr. President.
Total 28

Nays: Augare, Branae, Erickson, Facey, Gallus, Gillan, Hawks, Hinkle, Jackson, Jent, Kaufmann, Keane, Larsen, Moss, Sonju, Stewart-Peregoy, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Wittich.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 615 concurred in as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich,

Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: Hinkle.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 621 concurred in as follows:
Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 48

Nays: Balyeat, Walker.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SPECIAL ORDERS OF THE DAY

SR 6 - Senator Shockley moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 6**. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SR 21 - Senator Olson moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 21**. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SR 22 - Senator Olson moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 22**. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SR 27 - Senator Steinbeisser moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 27**. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent,

Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

MOTIONS

Senator Mowbray moved to change her vote on **HB 439** from No to Yes. Without objection, so ordered.

Senator Blewett moved to change his vote on **HB 613** from No to Yes. Without objection, so ordered.

Senator Hamlett moved to change his vote on **HB 613** from No to Yes. Without objection, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Essmann moved that the Senate adjourn until 10:00 a.m., Tuesday, April 12, 2011. Motion carried.

Senate adjourned at 5:48 p.m.

MARILYN MILLER
Secretary of the Senate

JIM PETERSON
President of the Senate

SENATE JOURNAL
62ND LEGISLATURE
EIGHTY-FIRST LEGISLATIVE DAY

Helena, Montana — Senate Chambers
April 12, 2011 — State Capitol

Senate convened at 10:00 a.m. President Peterson presiding. Invocation by Chaplain Keith Johnson. Pledge of Allegiance to the Flag. Roll Call. All members present.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 2, **Free Conference Committee Report No. 1**, **not** adopted as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Zinke, Mr. President.
Total 25

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich.
Total 25

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 186 concurred in as follows:
Yeas: Augare, Blewett, Branae, Brown, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moss, Murphy, Shockley, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Williams, Zinke, Mr. President.
Total 32

Nays: Arthun, Balyeat, Barrett, Brenden, Buttrey, Hinkle, Hutton, Moore, Mowbray, Olson, Priest, Ripley, Sonju, Steinbeisser, Vincent, Walker, Windy Boy, Wittich.
Total 18

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 316 concurred in as follows:
Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brown, Buttrey, Essmann, Facey, Gillan, Hinkle, Hutton, Jones, Lake, Lewis, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Tutvedt, Vincent, Williams, Zinke, Mr. President.
Total 27

Nays: Balyeat, Brenden, Caferro, Erickson, Gallus, Hamlett, Hawks, Jackson, Jent, Kaufmann, Keane, Larsen, Moore, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Walker, Wanzenried, Windy Boy, Wittich.
Total 23

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 363 concurred in as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Larsen, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Wittich, Zinke, Mr. President.
Total 45

Nays: Erickson, Kaufmann, Moss, Williams, Windy Boy.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 372 concurred in as follows:
Yeas: Arthun, Balyeat, Barrett, Branae, Brenden, Brown, Buttrey, Caferro, Essmann, Facey, Gallus, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Larsen, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tutvedt, Vincent, Vuckovich, Walker, Windy Boy, Wittich, Zinke, Mr. President.
Total 40

Nays: Augare, Blewett, Erickson, Gillan, Kaufmann, Moss, Tropila, Van Dyk, Wanzenried, Williams.
Total 10

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 492 concurred in as follows:
Yeas: Arthun, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jent, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Nays: Augare, Balyeat, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 494 concurred in as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Gallus, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Mr. President.
Total 26

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Mowbray, Murphy, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke.
Total 24

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 560 concurred in as follows:
Yeas: Augare, Blewett, Branae, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Shockley, Sonju, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Williams, Zinke, Mr. President.

Total 36

Nays: Arthun, Balyeat, Barrett, Brenden, Hinkle, Lake, Olson, Priest, Ripley, Steinbeisser, Vincent, Walker, Windy Boy, Wittich.
Total 14

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 561 concurred in as follows:
Yeas: Augare, Balyeat, Barrett, Blewett, Branae, Brown, Buttrey, Caferro, Erickson, Essmann, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Zinke, Mr. President.
Total 43

Nays: Arthun, Brenden, Facey, Lake, Steinbeisser, Windy Boy, Wittich.
Total 7

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 562 concurred in as follows:
Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Zinke, Mr. President.
Total 47

Nays: Balyeat, Windy Boy, Wittich.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 577 concurred in as follows:
Yeas: Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Mr. President.
Total 26

Nays: Arthun, Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke.
Total 24

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 607 concurred in as follows:
Yeas: Arthun, Balyeat, Barrett, Branae, Brenden, Brown, Buttrey, Caferro, Essmann, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Vuckovich, Walker, Wanzenried, Windy Boy, Wittich, Zinke, Mr. President.
Total 41

Nays: Augare, Blewett, Erickson, Facey, Kaufmann, Stewart-Peregoy, Tropila, Van Dyk, Williams.
Total 9

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 641 concurred in as follows:
Yeas: Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: Arthun.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJR 26 adopted as follows:
Yeas: Arthun, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Erickson, Essmann, Facey, Hamlett, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Vuckovich, Walker, Windy Boy, Wittich, Zinke, Mr. President.
Total 36

Nays: Augare, Caferro, Gallus, Gillan, Hawks, Jent, Kaufmann, Keane, Larsen, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried, Williams.
Total 14

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJR 27 adopted as follows:
Yeas: Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: Arthun.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

BILLS AND JOURNALS: 4/12/2011

Correctly printed: **HB 444**, **HB 642**.
Correctly engrossed: **HB 375**.
Correctly enrolled: **SB 16**, **SB 81**, **SB 319**, **SB 358**, **SR 6**, **SR 21**, **SR 22**, **SR 27**.

Examined by the sponsor and found to be correct: **SB 29**, **SB 75**, **SB 195**, **SB 212**, **SB 234**, **SB 238**, **SB 241**, **SB 385**, **SJR 8**, **SR 13**.

REPORTS OF STANDING COMMITTEES

AGRICULTURE, LIVESTOCK AND IRRIGATION (Steinbeisser, Chairman): 4/12/2011
SR 4, introduced resolution, be amended as follows:

1. Page 1, line 15.
Strike: "January 1, 2013"
Insert: "April 18, 2013"

And, as amended, do pass. Report adopted.

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Balyeat, Chairman): 4/12/2011
SR 17, be adopted. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House joint resolution passed and transmitted to the Senate for concurrence: 4/11/2011

HJR 8, introduced by Hunter

Senate bills concurred in and returned to the Senate: 4/11/2011

SB 81, introduced by Wanzenried
SB 319, introduced by Essmann

Senate bills concurred in as amended and returned to the Senate for concurrence in House amendments:
4/11/2011

SB 207, introduced by Moore
SB 233, introduced by Keane
SB 283, introduced by Essmann
SB 379, introduced by Olson

Governor's amendments to **House bill not** concurred in and transmitted
to the Senate: 4/11/2011

HB 333, introduced by Reichner

SB 126 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following Conference Committee to meet with a like committee from the Senate to confer on House amendments to **SB 126:**

4/11/2011

Representative Salomon, Vice Chair
Representative Wagner
Representative Furey

SB 198 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following Conference Committee to meet with a like committee from the Senate to confer on House amendments to **SB 198:**

4/11/2011

Representative Hendrick, Vice Chair
Representative Kary
Representative B. Bennett

SB 338 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following Conference Committee to meet with a like committee from the Senate to confer on House amendments to **SB 338:**

4/11/2011

Representative J. Bennett, Vice Chair
Representative Kennedy
Representative Wilmer

SB 97 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following Conference Committee to meet with a like committee from the Senate to confer on House amendments to **SB 97:**

4/11/2011

Representative Peterson, Vice Chair
Representative Bangerter
Representative Driscoll

FIRST READING AND COMMITMENT OF BILLS

The following House joint resolution was introduced, read first time, and referred to committee:

HJR 8, introduced by Hunter, O'Hara, Zinke, Caferro, referred to Public Health, Welfare and Safety.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Essmann moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Tutvedt in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 306 - Senator Jones moved **HB 306** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Brenden, Brown, Buttrey, Caferro, Essmann, Hinkle, Hutton, Jackson, Jones, Keane, Lake, Lewis, Moore, Mowbray, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Vuckovich, Walker, Wittich, Zinke, Mr. President.
Total 31

Nays: Blewett, Branae, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Larsen, Moss, Murphy, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried, Williams, Windy Boy.
Total 19

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 375 - Senator Lewis moved **HB 375** be concurred in.

HB 375 - Senator Lewis moved **HB 375**, second reading copy, be amended as follows:

1. Page 1, line 24.
Strike: "<u>,</u>"
Insert: ":"

2. Page 1, line 25.
Following: "~~(i)~~"
Insert: "(i)"

3. Page 1, line 27.
Strike: "<u>(I)</u>"
Insert: "(A)"

4. Page 1, line 28.
Strike: "<u>(A)</u>"
Insert: "(I)"
Strike: "<u>5.1%</u>"
Insert: "4.8%"

5. Page 1, line 29.
Strike: "<u>(B)</u>"
Insert: "(II)"
Strike: "<u>20.1</u>%"
Insert: "19.1%"

6. Page 2, line 1.

Strike: "(C)"
Insert: "(III)"
Strike: "11.7%"
Insert: "11.1%"

7. Page 2, line 2.
Strike: "(D)"
Insert: "(IV)"

8. Page 2, line 3.
Strike: "17.6%"
Insert: "16.7%"

9. Page 2, line 4.
Strike: "(II)"
Insert: "(B)

10. Page 2, line 5.
Strike: "45.6%"
Insert: "48.3%"

11. Page 2.
Following: line 5
Insert: "(ii) 0.10% of the motor vehicle revenue deposited in the state general fund in each fiscal year, with 50% of the amount to be used for enforcing the purposes of 23-2-601, 23-2-602, 23-2-611, 23-2-614 through 23-2-618, 23-2-621, 23-2-622, 23-2-631 through 23-2-635, and 23-2-641 through 23-2-644 and 50% of the amount designated for use in the development, maintenance, and operation of snowmobile facilities; and
(iii) 0.16% of the motor vehicle revenue deposited in the state general fund in each fiscal year to be deposited in the motorboat account to be used as provided in 23-2-533;"

Amendment adopted as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Essmann, Facey, Gallus, Gillan, Hamlett, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Larsen, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 45

Nays: Erickson, Hawks, Kaufmann, Moss, Wanzenried.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 375 - Senator Lewis moved **HB 375**, as amended, be concurred in. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 358 - Senator Lake moved **HB 358** be concurred in. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Caferro, Essmann, Hamlett, Hinkle, Hutton, Jackson, Jones, Keane, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Wittich, Zinke, Mr. President.
Total 33

Nays: Augare, Blewett, Branae, Erickson, Facey, Gallus, Gillan, Hawks, Jent, Kaufmann, Larsen, Moss, Stewart-Peregoy, Van Dyk, Wanzenried, Williams, Windy Boy.
Total 17

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 377 - Senator Hutton moved **HB 377** be concurred in. Motion carried as follows:
Yeas: Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Vincent, Vuckovich, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 44

Nays: Arthun, Facey, Gallus, Larsen, Van Dyk, Walker.
Total 6

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 458 - Senator Moore moved **HB 458** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Brenden, Brown, Buttrey, Caferro, Essmann, Facey, Gallus, Gillan, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tutvedt, Vincent, Vuckovich, Walker, Wanzenried, Windy Boy, Wittich, Zinke, Mr. President.
Total 42

Nays: Blewett, Branae, Erickson, Hamlett, Kaufmann, Tropila, Van Dyk, Williams.
Total 8

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 477 - Senator Barrett moved **HB 477** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brown, Buttrey, Caferro, Erickson, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 42

Nays: Brenden, Essmann, Facey, Gallus, Larsen, Sonju, Walker, Wittich.
Total 8

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 495 - Senator Jones moved **HB 495** be concurred in. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brown, Buttrey, Essmann, Hawks, Hinkle, Hutton, Jackson,

Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Nays: Augare, Blewett, Branae, Brenden, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 585 - Senator Vincent moved **HB 585** be concurred in. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Caferro, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Nays: Augare, Blewett, Branae, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Murphy, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Essmann moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. Senate resumed. President Peterson in the chair. Chairman Tutvedt moved the Committee of the Whole report be adopted. Report adopted as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Essmann, Gallus, Hamlett, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 39

Nays: Erickson, Facey, Gillan, Hawks, Kaufmann, Larsen, Moss, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 11

Absent or not voting: None.
Total 0

Excused: None.
Total 0

BILLS AND JOURNALS: 4/12/2011

Correctly printed: **SJR 26**, **SJR 27**, **SJR 29**, **SJR 30**, **HB 186**, **HB 306**, **HB 316**, **HB 363**, **HB 372**, **HB 494**, **HB 560**, **HB 561**, **HB 562**, **HB 577**.
Correctly engrossed: **SR 4, SR 17, SR 28**, **SR 30**, **HB 370**, **HB 492**, **HB 518**, **HB 607**, **HB 638**, **HB 641**.

Examined by the sponsor and found to be correct: **SB 1**, **SB 15**, **SB 42**, **SB 54**, **SB 59**, **SB 87**, **SB 99**, **SB 100**, **SB 108**, **SB 110**, **SB 135**, **SB 136**, **SB 138**, **SB 149**, **SB 172**, **SB 173**, **SB 255**, **SB 267**, **SB 268**, **SB 279**, **SB 296**, **SB 311**, **SB 327**, **SB 333**, **SB 340**, **SB 347**, **SB 376**, **SB 382**, **SB 389**, **SB 402**, **SB 415**, **SJR 4**, **SJR 11**, **SR 7**, **SR 8**, **SR 9**, **SR 10**, **SR 11**, **SR 12**, **SR 19**.
Signed by the Speaker at 8:21 a.m., April 12, 2011: **SB 124**, **SB 166**, **SB 201**, **SB 367**, **SB 413**.
Signed by the President at 4:05 p.m., April 11, 2011: **SB 124**, **SB 166**, **SB 201**, **SB 367**, **SB 413**.
Signed by the Secretary of the Senate at 11:10 a.m., April 11, 2011: **SB 124**, **SB 166**, **SB 201**, **SB 36 7**, **SB 413**.
Delivered to the Governor for approval at 8:40 a.m., April 12, 2011: **SB 124**, **SB 166**, **SB 201**, **SB 367**, **SB 413**.

REPORTS OF STANDING COMMITTEES

EDUCATION AND CULTURAL RESOURCES (Zinke, Chairman): 4/11/2011
SJR 28, do pass. Report adopted.

FINANCE AND CLAIMS (Lewis, Chairman): 4/12/2011
HB 444, be concurred in. Report adopted.
HB 642, be concurred in. Report adopted.

REPORTS OF SELECT COMMITTEES

CONFERENCE COMMITTEE
on House Amendments to **Senate Bill 221**
Report No. 1, April 12, 2011

Mr. President and Mr. Speaker:
We, your Conference Committee met and considered House amendments to **Senate Bill 221** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Bill 221** (reference copy -- salmon) be amended as follows:

1. Page 10, line 6.
Following: "basis;"
Insert: "(ii) a medicaid primary care case management service within the meaning of 42 CFR 438;"
Renumber: subsequent subsections

For the Senate:

Gillan, Chair
Murphy

For the House:

Berry, Vice Chair
Hunter
Salomon

FREE CONFERENCE COMMITTEE
on **House Bill 43**
Report No. 1, April 12, 2011

Mr. President and Mr. Speaker:
We, your Free Conference Committee met and considered **House Bill 43** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 43** (reference copy -- salmon) be amended as follows:

1. Page 2, line 5.
Following: "duties;"
Insert: "or"

2. Page 2, line 6.
Strike: line 6
Renumber: subsequent subsection

3. Page 5, line 6.
Following: "marijuana"
Strike: "is"

Insert: "and who is otherwise"
Following: "chapter"
Strike: ","
Insert: "is"

4. Page 5, line 7.
Strike: "[section 5" through "(5)(C) OF THIS SECTION"
Insert: "subsections (5)(b) through (5)(d)"

5. Page 5, line 11 through line 13.
Strike: subsection (c) in its entirety
Insert: "(c) Nothing in this chapter may be construed to require an insurer to reimburse any person for costs associated with the medical use of marijuana, as defined in 50-46-102.

(d) In an accepted liability claim, the benefits payable under this chapter may not be increased or enhanced due to a worker's medical use of marijuana, as defined in 50-46-102. An insurer remains liable for those benefits that the worker would qualify for absent the worker's medical use of marijuana."

6. Page 6, line 25 through page 7, line 4.
Strike: section 5 in its entirety
Renumber: subsequent sections

7. Page 9, line 12 through line 13.
Strike: section 8 in its entirety
Renumber: subsequent sections

8. Page 9.
Following: line 14
Insert: "COORDINATION SECTION. **Section 7. Coordination instructions.** (1) If both House Bill No. 161 and [this act] are passed and approved, then [sections 2 through 6 of this act] are void.

(2) If House Bill No. 175 is approved by the electorate in 2012, then [sections 2 through 6 of this act] are void on [the effective date of House Bill No. 175]."
Renumber: subsequent section

For the House:	For the Senate:
Moore, Chair	MacLaren, Vice Chair
Tutvedt	Fitzpatrick
Facey	Hunter

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in as amended and returned to the Senate for concurrence in House amendments:

SB 187, introduced by Shockley
SB 326, introduced by Larsen
SB 329, introduced by Zinke
SB 348, introduced by Barrett
SB 371, introduced by Lewis
SB 417, introduced by Buttrey
SB 423, introduced by Essmann

Senator Essmann moved the Senate recess until 1:00 p.m. Motion carried.

Senate in recess.

Senate reconvened at 1:01 p.m.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Essmann moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Tutvedt in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 604 - Senator Zinke moved **HB 604** be concurred in.

HB 604 - Senator Williams moved **HB 604**, second reading copy, be amended as follows:

1. Title, page 1, line 4.
Following: "~~A~~"
Insert: "A"

2. Title, page 1, line 5.
Following: "~~TRANSFER~~"
Strike: "TRANSFERS"
Insert: "TRANSFER"

3. Title, page 1, line 6.
Following: "ACCOUNT"
Strike: "AND THE OLDER MONTANANS TRUST FUND"

4. Title, page 1, line 13.
Strike: "52-3-115,"

5. Page 2, line 2.

Strike: "(1)"

6. Page 2, line 5 through line 8.
Strike: subsection (2) in its entirety

7. Page 8, line 6 through page 9, line 23.
Strike: section 12 in its entirety
Renumber: subsequent sections

8. Page 14, line 5.
Strike: "(1)"

9. Page 14, line 10 through line 11.
Strike: subsection (2) in its entirety

10. Page 14, line 19.
Strike: "[SECTIONS 2 AND 12] TERMINATE"
Insert: "[Section 2] terminates"

Amendment **not** adopted as follows:
Yeas: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jackson, Jent, Kaufmann, Keane, Larsen, Moss, Mowbray, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke.
Total 25

Nays: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jones, Lake, Lewis, Moore, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Mr. President.
Total 25

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 604 - Senator Wanzenried moved **HB 604**, second reading copy, be amended as follows:

1. Title, line 4.
Following: "~~A~~"
Insert: "A"

2. Title, line 5 and line 6.
Strike: "TRANSFERS"
Insert: "TRANSFER"

Strike: "TELECOMMUNICATIONS" on line 5 through "AND THE" on line 6

3. Page 2, line 2 through line 5.
Following: "FUND."
Strike: "(1)" on line 2 through "(2)" on line 5

Amendment **not** adopted as follows:
Yeas: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Nays: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 604 - Thereupon, the Senate reverted to the original motion of Senator Zinke which passed as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Gallus, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Van Dyk, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 30

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Essmann moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. Senate resumed. President Peterson in the chair. Chairman Tutvedt moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Branae, Brenden, Brown, Buttrey, Essmann, Facey, Gallus, Hamlett, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 36

Nays: Blewett, Caferro, Erickson, Gillan, Hawks, Kaufmann, Larsen, Moss, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 14

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SPECIAL ORDERS OF THE DAY

"The Ringling Five," a singing group which consists of ranchers from the Shields River Valley, and "Dorothy's Girls" performed various songs for the Senate.

A JOINT PROCLAMATION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA LUPUS AWARENESS MONTH PROCLAMATION

April 12, 2011

WHEREAS, each year the Lupus Foundation of America designates May as National Lupus Awareness Month to show support for the estimated 1.5 million Americans who have lupus; and

WHEREAS, lupus is an acute and chronic, lifelong autoimmune disease in which the immune system is unbalanced, causing inflammation and tissue damage to virtually every organ system in the body. It can affect any part of the body, including the skin, lungs, heart, kidneys, and brain. No organ is spared. The disease can cause seizures, strokes, heart attacks, miscarriages, and organ failure. Lupus costs the nation over $100 billion a year in direct and indirect medical costs; and

WHEREAS, while lupus strikes mostly women of childbearing age, no one is safe from lupus. Native Americans, African American, Hispanics/Latinos, and Asians are two to three times more likely to develop lupus--a disparity that remains unexplained; and

WHEREAS, lupus can be particularly difficult to diagnose because its symptoms are similar to those of many other illnesses, and major gaps exist in understanding the cause and consequences of lupus. More than half of all people with lupus take four or more years and visit three or more doctors before obtaining a correct diagnosis; and

WHEREAS, there have been no new drugs approved by the U.S. Food and Drug Administration specifically for lupus in 52 years; current treatments for the disease can have damaging side effects. Drugs for lupus that are available today are older, further increasing patient suffering and indirect medical costs of the disease; and

WHEREAS, nearly 5,000 citizens in Montana are directly affected by lupus along with their families and friends.

Now, therefore, be it resolved by the House of Representatives and the Senate of the State of Montana that we do hereby proclaim the month of May as Lupus Awareness Month in Montana.

Senate President Jim Peterson — Speaker of the House Mike Milburn

Senator Carmine Mowbray — Representative Trudi Schmidt

MOTIONS

Senator Essmann moved to reconsider action on **HB 2** and that **HB 2** be placed on third reading on April 13, 2011. The motion carried as follows:

Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Gallus, Hawks, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Williams, Wittich, Zinke, Mr. President.
Total 31

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gillan, Hamlett, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 19

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Essmann moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Tutvedt in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 609 - Senator Priest moved **HB 609** be concurred in. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 612 - Senator Lewis moved **HB 612** be concurred in. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 618 - Senator Mowbray moved **HB 618** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 622 - Senator Ripley moved **HB 622** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Essmann, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Wittich, Zinke, Mr. President.
Total 43

Nays: Balyeat, Erickson, Facey, Gallus, Kaufmann, Tropila, Windy Boy.
Total 7

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 632 - Senator Balyeat moved **HB 632** be concurred in. Motion **failed** as follows:
Yeas: Arthun, Balyeat, Barrett, Hinkle, Jackson, Jones, Moore, Mowbray, Murphy, Olson, Priest, Shockley, Steinbeisser.
Total 13

Nays: Augare, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jent, Kaufmann, Keane, Lake, Larsen, Lewis, Moss, Ripley, Sonju, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 37

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 632 - Senator Essmann moved **HB 632** be **indefinitely postponed**. Motion carried as follows:
Yeas: Arthun, Augare, Blewett, Branae, Brenden, Brown, Caferro, Erickson, Essmann, Facey, Gallus, Hamlett, Hutton, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moss, Olson, Priest, Ripley, Sonju, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker,

Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 37

Nays: Balyeat, Barrett, Buttrey, Gillan, Hawks, Hinkle, Jackson, Jent, Moore, Mowbray, Murphy, Shockley, Steinbeisser.
Total 13

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 633 - Senator Priest moved **HB 633** be concurred in. Motion carried as follows:
Yeas: Arthun, Balyeat, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 26

Nays: Augare, Barrett, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moore, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 24

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 296 - Senator Keane moved **HB 296** be concurred in. Motion carried as follows:
Yeas: Augare, Barrett, Blewett, Branae, Brenden, Brown, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Ripley, Shockley, Sonju, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 38

Nays: Arthun, Balyeat, Buttrey, Essmann, Hinkle, Hutton, Jackson, Priest, Steinbeisser, Tutvedt, Vincent, Wittich.
Total 12

Absent or not voting: None.
Total 0

Excused: None.

Total 0

HB 574 - Senator Hutton moved **HB 574** be concurred in. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Vuckovich, Walker, Windy Boy, Wittich, Mr. President.
Total 29

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried, Williams, Zinke.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 445 - Senator Priest moved **HB 445** be concurred in. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Tutvedt, Vincent, Walker, Wittich, Mr. President.
Total 26

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Steinbeisser, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke.
Total 24

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 444 - Senator Wittich moved **HB 444** be concurred in. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Caferro, Essmann, Hamlett, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 30

Nays: Augare, Blewett, Branae, Erickson, Facey, Gallus, Gillan, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.

Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 642 - Senator Sonju moved **HB 642** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Essmann, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 47

Nays: Erickson, Facey, Murphy.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 616 - Senator Tutvedt moved **HB 616** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Essmann, Gallus, Gillan, Hamlett, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Larsen, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Walker, Wanzenried, Wittich, Zinke, Mr. President.
Total 42

Nays: Erickson, Facey, Hawks, Kaufmann, Moss, Vuckovich, Williams, Windy Boy.
Total 8

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Essmann moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Peterson in the chair. Chairman Tutvedt moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arthun, Balyeat, Barrett, Branae, Brenden, Brown, Buttrey, Caferro, Essmann, Facey, Gallus, Hamlett, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tropila, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 36

Nays: Augare, Blewett, Erickson, Gillan, Hawks, Kaufmann, Larsen, Moss, Stewart-Peregoy, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 14

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SPECIAL ORDERS OF THE DAY

SR 16 - Senator Facey moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 16**. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SR 24 - Senator Facey moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 24**. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SR 30 - Senator Murphy moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 30**. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

MOTIONS

Senator Hutton moved that the Senate vote to override the Governor's veto of **HB 30**.

Senator Hutton withdrew his motion.

Senator Barrett moved to reconsider action of HB 475 and that HB 475 be placed on third reading on April 13, 2011. Motion carried as follows:
Yeas: Augare, Barrett, Blewett, Branae, Brenden, Brown, Caferro, Facey, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Kaufmann, Larsen, Moore, Moss, Mowbray, Murphy, Olson, Ripley, Steinbeisser, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried, Williams, Mr. President.
Total 29

Nays: Arthun, Balyeat, Buttrey, Erickson, Essmann, Gallus, Hinkle, Jones, Keane, Lake, Lewis, Priest, Shockley, Sonju, Tutvedt, Vincent, Vuckovich, Walker, Windy Boy, Wittich, Zinke.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Caferro moved to change her vote on **HB 622** from No to Yes. Without objection, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Essmann moved that the Senate adjourn until 8:00 a.m., Wednesday, April 13, 2011. Motion carried.

Senate adjourned at 4:18 p.m.

MARILYN MILLER
Secretary of the Senate

JIM PETERSON
President of the Senate

SENATE JOURNAL
62ND LEGISLATURE
EIGHTY-SECOND LEGISLATIVE DAY

Helena, Montana — Senate Chambers
April 13, 2011 — State Capitol

Senate convened at 8:00 a.m. President Peterson presiding. Invocation by Chaplain Keith Johnson. Pledge of Allegiance to the Flag. Roll Call. All members present. Quorum present.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 2, **Free Conference Committee Report No. 1**, adopted as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 296 concurred in as follows:
Yeas: Augare, Barrett, Blewett, Branae, Brenden, Brown, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Jones, Kaufmann, Keane, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Ripley, Shockley, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 37

Nays: Arthun, Balyeat, Buttrey, Hinkle, Hutton, Jackson, Lake, Priest, Sonju, Steinbeisser, Tutvedt, Vincent, Wittich.
Total 13

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 306 concurred in as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Gallus, Hinkle, Hutton, Jackson, Jones, Keane, Lake, Lewis, Moore, Mowbray, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Van Dyk, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 30

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gillan, Hamlett, Hawks, Jent, Kaufmann, Larsen, Moss, Murphy, Stewart-Peregoy, Tropila, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 358 concurred in as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Caferro, Essmann, Hamlett, Hinkle, Hutton, Jackson, Jones, Lake, Larsen, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tropila, Tutvedt, Vincent, Walker, Wanzenried, Williams, Wittich, Zinke, Mr. President.
Total 34

Nays: Augare, Blewett, Branae, Erickson, Facey, Gallus, Gillan, Hawks, Jent, Kaufmann, Keane, Moss, Stewart-Peregoy, Van Dyk, Vuckovich, Windy Boy.
Total 16

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 370 concurred in as follows:

Yeas: Arthun, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Hamlett, Hawks, Hinkle, Hutton, Jent, Jones, Kaufmann, Keane, Larsen, Lewis, Moss, Murphy, Shockley, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Wittich, Zinke.
Total 29

Nays: Augare, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Gillan, Jackson, Lake, Moore, Mowbray, Olson, Priest, Ripley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Mr. President.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 375 concurred in as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 377 concurred in as follows:
Yeas: Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Gallus, Gillan, Hamlett, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 43

Nays: Arthun, Facey, Hawks, Larsen, Moss, Shockley, Walker.
Total 7

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 444 concurred in as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Caferro, Essmann, Hamlett, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 30

Nays: Augare, Blewett, Branae, Erickson, Facey, Gallus, Gillan, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 445 failed as follows:
Yeas: Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Mr. President.
Total 25

Nays: Arthun, Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Olson, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke.
Total 25

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 458 concurred in as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Brenden, Brown, Buttrey, Caferro, Essmann, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jent, Jones, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Wanzenried, Windy Boy, Wittich, Zinke, Mr. President.
Total 42

Nays: Blewett, Branae, Erickson, Facey, Jackson, Kaufmann, Van Dyk, Williams.
Total 8

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 475 failed as follows:
Yeas: Augare, Barrett, Blewett, Branae, Brown, Caferro, Facey, Gillan, Hamlett, Hawks, Jent,

Kaufmann, Keane, Larsen, Lewis, Moss, Murphy, Stewart-Peregoy, Tropila, Vuckovich, Wanzenried, Williams, Windy Boy, Mr. President.
Total 24

Nays: Arthun, Balyeat, Brenden, Buttrey, Erickson, Essmann, Gallus, Hinkle, Hutton, Jackson, Jones, Lake, Moore, Mowbray, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Van Dyk, Vincent, Walker, Wittich, Zinke.
Total 26

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 477 concurred in as follows:
Yeas: Augare, Balyeat, Barrett, Blewett, Branae, Brown, Buttrey, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Zinke, Mr. President.
Total 42

Nays: Arthun, Brenden, Caferro, Essmann, Olson, Walker, Windy Boy, Wittich.
Total 8

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 495 concurred in as follows:
Yeas: Arthun, Balyeat, Barrett, Brown, Buttrey, Essmann, Hawks, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Nays: Augare, Blewett, Branae, Brenden, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 518 concurred in as follows:
Yeas: Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: Arthun.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 574 failed (due to 2/3 vote requirement) as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Vuckovich, Walker, Windy Boy, Wittich, Zinke, Mr. President.
Total 30

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried, Williams.
Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 585 concurred in as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Caferro, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 29

Nays: Augare, Blewett, Branae, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.

Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 604 concurred in as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Van Dyk, Vincent, Walker, Zinke, Mr. President.
Total 28

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Vuckovich, Wanzenried, Williams, Windy Boy, Wittich.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 609 concurred in as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 612 concurred in as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser,

Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 616 concurred in as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Branae, Brenden, Brown, Buttrey, Caferro, Essmann, Gallus, Gillan, Hamlett, Hinkle, Hutton, Jackson, Jones, Keane, Lake, Larsen, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tropila, Tutvedt, Van Dyk, Vincent, Walker, Wanzenried, Wittich, Zinke, Mr. President.
Total 39

Nays: Blewett, Erickson, Facey, Hawks, Jent, Kaufmann, Moss, Stewart-Peregoy, Vuckovich, Williams, Windy Boy.
Total 11

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 618 concurred in as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 622 concurred in as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Branae, Brenden, Brown, Buttrey, Caferro, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Wittich, Zinke, Mr. President.
Total 45

Nays: Blewett, Erickson, Kaufmann, Tropila, Windy Boy.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 633 failed as follows:
Yeas: Arthun, Balyeat, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Tutvedt, Vincent, Walker, Wittich, Mr. President.
Total 24

Nays: Augare, Barrett, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moore, Moss, Steinbeisser, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke.
Total 26

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 638 concurred in as follows:
Yeas: Arthun, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 26

Nays: Augare, Balyeat, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Priest, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich,

Wanzenried, Williams, Windy Boy.
Total 24

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 642 concurred in as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Essmann, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Walker, Wanzenried, Williams, Wittich, Zinke, Mr. President.
Total 44

Nays: Erickson, Facey, Kaufmann, Keane, Vuckovich, Windy Boy.
Total 6

Absent or not voting: None.
Total 0

Excused: None.
Total 0

BILLS AND JOURNALS: 4/13/2011

Examined by the sponsor and found to be correct: **SB 16**, **SR 4**, **SR 16**, **SR 17**, **SR 24**, **SR 28**, **SR 30**, **SR 31**.
Signed by the Speaker at 4:40 p.m., April 13, 2011: **SB 268**, **SJR 11**.
Signed by the President at 2:45 p.m., April 13, 2011: **SB 268**, **SJR 11**.
Signed by the Secretary of the Senate at 5:40 p.m., April 12, 2011: **SB 268**, **SJR 11**.
Signed by the President at 2:45 p.m., April 13, 2011: **SR 7**, **SR 8**, **SR 9**, **SR 10**, **SR 11**, **SR 12**.
Signed by the Secretary of the Senate at 5:40 p.m., April 12, 2011: **SR 7**, **SR 8**, **SR 9**, **SR 10**, **SR 11**.
Delivered to the Secretary of State at 3:33 p.m., April 13, 2011: **SR 7**, **SR 8**, **SR 9**, **SR 10**, **SR 11**, **SR 12**.

REPORTS OF STANDING COMMITTEES

AGRICULTURE, LIVESTOCK AND IRRIGATION (Steinbeisser, Chairman): 4/12/2011
SR 31, be adopted. Report adopted.

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Balyeat, Chairman): 4/13/2011
SR 26, be adopted. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Priest, Chairman): 4/13/2011
SR 29, be adopted. Report adopted.

REPORTS OF SELECT COMMITTEES

CONFERENCE COMMITTEE
on House Amendments to **Senate Bill 153**

Report No. 1, April 12, 2011

Mr. President and Mr. Speaker:
We, your Conference Committee met and considered House amendments to **Senate Bill 153** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Bill 153** (reference copy -- salmon) be amended as follows:

1. Page 1, line 26.
Following: "~~or (3)~~"
Insert: "or (3)"

For the Senate:

Hutton, Chair
Shockley
Jent

For the House:

Kerns, Vice Chair
O'Hara
Menahan

CONFERENCE COMMITTEE
on House Amendments to **Senate Bill 198**
Report No. 1, April 12, 2011

Mr. President and Mr. Speaker:
We, your Conference Committee met and considered House amendments to **Senate Bill 198** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that House amendments to **Senate Bill 198** (reference copy -- salmon) be accepted by the Senate.

For the Senate:

Ripley, Chair
Balyeat
Facey

For the House:

Hendrick, Vice Chair
Bennett
Kary

MESSAGES FROM THE GOVERNOR

April 12, 2011

The Honorable Jim Peterson
President of the Senate
State Capitol
Helena, Montana 59620

Dear Senator Peterson:

Please be informed that I have signed **Senate Bill 222** sponsored by Senator Augare on April 12, 2011.

Sincerely,

BRIAN SCHWEITZER
Governor

MESSAGES FROM THE OTHER HOUSE

House joint resolution passed and transmitted to the Senate for concurrence: 4/12/2011

HJR 13, introduced by Hansen

Conference Committee Report No.1 adopted: 4/12/2011

HB 271, introduced by Kerns

Senate bill concurred in and returned to the Senate: 4/12/2011

SB 358, introduced by Buttrey

Free Conference Committee Report No.1 adopted: 4/12/2011

HB 2, introduced by McNutt

Governor's amendments to **House bills** concurred in and transmitted to the Senate for consideration of the Governor's amendments:
4/12/2011

HB 90, introduced by McNutt
HB 559, introduced by Esp

MOTIONS

Senator Williams moved to change her vote on **HB 306** from Yes to No. Without objection, so ordered.

Senator Wittich moved to reconsider the third reading action on HB 445 and place HB 445 on third reading on Monday, April 18, 2011. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Mr. President.
Total 27

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke.
Total 23

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Essmann moved to reconsider the third reading action on **HB 633** and place **HB 633** on third reading on Monday, April 18, 2011. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Walker moved to change his vote on **HB 477** from Yes to No. Without objection, so ordered.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Essmann moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Olson in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 329 - **House Amendments** - Senator Zinke moved House amendments to **SB 329 not** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 48

Nays: Balyeat, Sonju.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 348 - **House Amendments** - Senator Barrett moved House amendments to **SB 348 not** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Brenden, Brown, Buttrey, Caferro, Essmann, Gallus, Gillan, Hamlett, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Wittich, Zinke, Mr. President.
Total 42

Nays: Branae, Erickson, Facey, Hawks, Kaufmann, Tropila, Williams, Windy Boy.
Total 8

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 423 - **House Amendments** - Senator Essmann moved House amendments to **SB 423 not** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: Gillan.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJR 29 - Senator Hinkle moved **SJR 29** do pass. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 409 - Senator Priest moved **HB 409** be concurred in. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Gallus, Gillan, Hamlett, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wittich, Zinke, Mr. President.
Total 42

Nays: Augare, Facey, Hawks, Larsen, Stewart-Peregoy, Wanzenried, Williams, Windy Boy.
Total 8

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 207 - **House Amendments** - Senator Moore moved House amendments to **SB 207** be concurred in. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Blewett, Brenden, Brown, Buttrey, Erickson, Essmann, Facey, Gallus, Hamlett, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Larsen, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Vuckovich, Walker, Wanzenried, Williams, Wittich, Zinke, Mr. President.
Total 39

Nays: Augare, Branae, Caferro, Gillan, Hawks, Kaufmann, Moss, Stewart-Peregoy, Tropila, Van Dyk, Windy Boy.
Total 11

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 215 - **House Amendments** - Senator Gallus moved House amendments to **SB 215** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Zinke, Mr. President.
Total 48

Nays: Windy Boy, Wittich.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 233 - **House Amendments** - Senator Keane moved House amendments to **SB 233** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Gallus, Hamlett,

Hinkle, Hutton, Jackson, Jones, Keane, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Vuckovich, Walker, Mr. President.
Total 31

Nays: Blewett, Branae, Caferro, Erickson, Facey, Gillan, Hawks, Jent, Kaufmann, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried, Williams, Windy Boy, Wittich, Zinke.
Total 19

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 283 - **House Amendments** - Senator Essmann moved House amendments to **SB 283** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 299 - **House Amendments** - Senator Hamlett moved House amendments to **SB 299** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 331 - **House Amendments** - Senator Jent moved House amendments to **SB 331** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 48

Nays: Hinkle, Wittich.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 410 - **House Amendments** - Senator Brenden moved House amendments to **SB 410** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Wittich, Zinke, Mr. President.
Total 41

Nays: Blewett, Hawks, Kaufmann, Larsen, Stewart-Peregoy, Van Dyk, Wanzenried, Williams, Windy Boy.
Total 9

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 29 - **Conference Committee Report No. 1** - Senator Balyeat moved the Conference Committee report to **HB 29** be adopted. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro,

Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Wittich, Zinke, Mr. President.
Total 49

Nays: Windy Boy.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 47 - **Conference Committee Report No. 1** - Senator Balyeat moved the Conference Committee report to **HB 47** be adopted. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Essmann, Facey, Gallus, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 45

Nays: Erickson, Gillan, Kaufmann, Lake, Tutvedt.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 132 - **Conference Committee Report No. 1** - Senator Tutvedt moved the Conference Committee report to **HB 132** be adopted. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moss, Mowbray, Murphy, Olson, Priest, Shockley, Sonju, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 47

Nays: Moore, Ripley, Steinbeisser.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 258 - **Conference Committee Report No. 1** - Senator Mowbray moved the Conference Committee report to **HB 258** be adopted. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: Caferro.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 297 - **Conference Committee Report No. 1** - Senator Shockley moved the Conference Committee report to **HB 297** be adopted. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 525 - **Conference Committee Report No. 1** - Senator Facey moved the Conference Committee report to **HB 525** be adopted. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro,

Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 333 - **Governor's Amendments** - Senator Lake moved Governor's amendments to **HB 333** be concurred in. Motion carried as follows:
Yeas: Augare, Blewett, Branae, Brown, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jackson, Jent, Kaufmann, Keane, Lake, Larsen, Moss, Mowbray, Murphy, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 30

Nays: Arthun, Balyeat, Barrett, Brenden, Buttrey, Essmann, Hinkle, Hutton, Jones, Lewis, Moore, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Vincent, Walker, Wittich.
Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 379 - Senator Essmann moved consideration of **SB 379** be placed at the bottom of the second reading board. Motion carried.

SB 379 - **House Amendments** - Senator Olson moved House amendments to **SB 379** be concurred in. Motion **failed** as follows:
Yeas: Arthun, Barrett, Brenden, Brown, Buttrey, Essmann, Gallus, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Mowbray, Olson, Priest, Ripley, Sonju, Steinbeisser, Tutvedt, Vincent, Vuckovich, Walker.
Total 23

Nays: Augare, Balyeat, Blewett, Branae, Caferro, Erickson, Facey, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moore, Moss, Murphy, Shockley, Stewart-Peregoy, Tropila,

Van Dyk, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 27

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Essmann moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. Senate resumed. President Peterson in the chair. Chairman Olson moved the Committee of the Whole report be adopted. Report adopted as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Brenden, Brown, Buttrey, Caferro, Essmann, Facey, Gallus, Hamlett, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Williams, Wittich, Zinke, Mr. President.
Total 40

Nays: Blewett, Branae, Erickson, Gillan, Hawks, Kaufmann, Larsen, Moss, Wanzenried, Windy Boy.
Total 10

Absent or not voting: None.
Total 0

Excused: None.
Total 0

FIRST READING AND COMMITMENT OF BILLS

The following House joint resolution was introduced, read first time, and referred to committee:

HJR 13, introduced by Hansen, Knox, Hale, Howard, Wagner, Harris, Blyton, Read, Hinkle, Rosendale, Skattum, Vance, Cook, O'Hara, Kerns, Warburton, K. Peterson, Lewis, McNiven, Miller, More, Jackson, Balyeat, Cuffe, Stahl, Salomon, Kennedy, O'Neil, referred to Taxation.

MOTIONS

Senator Larsen moved to change his vote on **SB 233** from Yes to No. Without objection, so ordered.

Senator Hutton moved to override the Governor's veto of **HB 30**. Motion **failed** (due to the 2/3 vote requirement) as follows:

Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Olson moved to reconsider action on **SB 379**, House amendments, and that **SB 379**, House amendments, be placed on second reading the next legislative day. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Gallus, Hinkle, Hutton, Jackson, Jones, Keane, Lake, Lewis, Moore, Mowbray, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 29

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gillan, Hamlett, Hawks, Jent, Kaufmann, Larsen, Moss, Murphy, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Essmann moved the Senate recess until 9:45 a.m. Motion carried.

Senate in recess.

Senate reconvened.

SPECIAL ORDERS OF THE DAY

Senator Steinbeisser moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 4**. Motion carried as follows:

Yeas: Augare, Balyeat, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moss, Mowbray, Murphy, Olson, Priest, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Mr. President.
Total 44

Nays: Arthun, Barrett, Moore, Ripley, Vincent, Zinke.
Total 6

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Facey moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 17**. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Blewett, Branae, Brenden, Brown, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Larsen, Lewis, Moore, Moss, Murphy, Olson, Priest, Ripley, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 44

Nays: Barrett, Buttrey, Lake, Mowbray, Sonju, Vincent.
Total 6

Absent or not voting: None.
Total 0

Excused: None.
Total 0

MOTIONS

Senator Essmann moved to appoint a **Free** Conference Committee on **SB 329** and request the House to appoint a like committee. Motion Carried. President Peterson appointed:

4/13/2011

Senator Zinke, Chair
Senator Jones
Senator Stewart-Peregoy

Senator Essmann moved to appoint a **Free** Conference Committee on **SB 348** and request the House to appoint a like committee. Motion Carried. President Peterson appointed:

4/13/2011

Senator Barrett, Chair
Senator Hamlett
Senator Vincent

Senator Essmann moved to appoint a **Free** Conference Committee on **SB 423** and request the House to appoint a like committee. Motion Carried. President Peterson appointed:

4/13/2011

Senator Essmann, Chair
Senator Larsen
Senator Vincent

ANNOUNCEMENTS

Committee meetings were announced by committee chairs.

Senator Essmann moved the Senate recess until 1:00 p.m. Motion carried.

Senate in recess.

Senate reconvened.

Senate reconvened at 1:00 p.m.

BILLS AND JOURNALS: 4/13/2011

Correctly printed: **SJR 28**, **HB 296**, **HB 306**, **HB 358**, **HB 377**, **HB 444**, **HB 445**, **HB 458**, **HB 477**, **HB 495**, **HB 574**, **HB 585**, **HB 604**, **HB 612**, **HB 616**, **HB 618**, **HB 622**, **HB 633**, **HB 642**.
Correctly engrossed: **SJR 25**, **SR 26**, **SR 29**, **SR 31**, **HB 609**, **HB 631**.
Correctly enrolled: **SR 4**, **SR 16**, **SR 17**, **SR 24**, **SR 28**, **SR 30**, **SR 31**.
Examined by the sponsor and found to be correct: **SB 81**, **SB 319**, **SB 358**, **SR 6**, **SR 21**, **SR 22**, **SR 27**, **SR 28**, **SR 31**.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Essmann moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Facey in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SJR 28 - Senator Lake moved **SJR 28** do pass. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Branae, Brenden, Brown, Buttrey, Essmann, Facey, Hinkle,

Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 30

Nays: Augare, Blewett, Caferro, Erickson, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Murphy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SR 31 - Senator J. Peterson moved **SR 31** be adopted. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Branae, Brenden, Brown, Buttrey, Caferro, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tutvedt, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 45

Nays: Blewett, Erickson, Moss, Tropila, Van Dyk.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SR 153 - **Conference Committee Report No. 1** - Senator Hutton moved the Conference Committee report to **SR 153** be adopted. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 198 - **Conference Committee Report No. 1** - Senator Ripley moved the Conference Committee report to **SB 198** be adopted. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Branae, Brenden, Brown, Buttrey, Essmann, Facey, Gallus, Gillan, Hamlett, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wittich, Zinke, Mr. President.
Total 37

Nays: Augare, Blewett, Caferro, Erickson, Hawks, Kaufmann, Larsen, Moss, Stewart-Peregoy, Tropila, Wanzenried, Williams, Windy Boy.
Total 13

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 221 - **Conference Committee Report No. 1** - Senator Gillan moved the Conference Committee report to **SB 221** be adopted. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 371 - **House Amendments** - Senator Lewis moved House amendments to **SB 371** be concurred in. Motion **failed** as follows:
Yeas: Balyeat, Barrett, Brenden, Brown, Essmann, Gillan, Hamlett, Hinkle, Hutton, Jackson, Jones, Lewis, Moore, Murphy, Priest, Ripley, Shockley, Walker, Wanzenried, Wittich.
Total 20

Nays: Arthun, Augare, Blewett, Branae, Buttrey, Caferro, Erickson, Facey, Gallus, Hawks, Jent, Kaufmann, Keane, Lake, Larsen, Moss, Mowbray, Olson, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Williams, Windy Boy, Zinke, Mr. President.
Total 30

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 43 - **Free Conference Committee Report No. 1** - Senator Moore moved the Free Conference Committee report to **HB 43** be adopted. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Van Dyk, Vincent, Walker, Wanzenried, Williams, Wittich, Zinke, Mr. President.
Total 45

Nays: Caferro, Stewart-Peregoy, Tropila, Vuckovich, Windy Boy.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Essmann moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. Senate resumed. President Peterson in the chair. Chairman Facey moved the Committee of the Whole report be adopted. Report adopted as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 47

Nays: Blewett, Van Dyk, Wanzenried.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

REPORTS OF STANDING COMMITTEES

JUDICIARY (Murphy, Chairman): 4/13/2011
HB 631, be amended as follows:

1. Title, line 17.
Strike: "61-5-208,"

2. Page 12, line 21.
Following: "alcohol"
Strike: "breath"

3. Page 12, line 22.
Following: "submit to"
Strike: "daily alcohol breath tests"
Insert: "breath testing, drug patch testing, urinalysis, continuous or transdermal alcohol monitoring, or any combination of breath testing, drug patch testing, urinalysis, or continuous or transdermal alcohol monitoring"
Following: "pretrial release,"
Insert: "sentence,"

4. Page 21, line 16 through page 22, line 25.
Strike: section 6 in its entirety
Renumber: subsequent sections

5. Page 36, line 4.
Following: line 3
Insert: "COORDINATION SECTION. **Section 18. Coordination instruction.** If both House Bill No. 102 and [this act] are passed and approved, then [section 2 of House Bill No. 102], amending 61-2-302, is void."
Renumber: subsequent section

And, as amended, be concurred in. Report adopted.

LOCAL GOVERNMENT (Sonju, Chairman): 4/13/2011
SJR 30, do pass. Report adopted.
HB 211, be concurred in. Report adopted.

REPORTS OF SELECT COMMITTEES

CONFERENCE COMMITTEE
on House Amendments to **Senate Bill 156**
Report No. 1, April 13, 2011

Mr. President and Mr. Speaker:
We, your Free Conference Committee met and considered **Senate Bill 156** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 156** (reference copy -- salmon) be amended as follows:

1. Page 1, line 23.
Following: "~~up to 15% of~~"
Insert: "up to 15% of"
Following: "for"
Strike: ":"

2. Page 1, line 25.
Following: "~~benefits~~"
Insert: "costs related to the administration of the tribal family assistance plan. The remainder of the state share must be used for cash benefits."

3. Page 1, line 26 through line 28.
Strike: "(I) MONTHLY" on line 26 through "PROGRAM." on line 28

For the Senate:	For the House:
Murphy, Chair	Bangerter, Vice Chair
Windy Boy	Pease-Lopez

MESSAGES FROM THE OTHER HOUSE

Governor's amendments to **House bills not** concurred in and transmitted to the Senate for consideration of Governor's amendments: 4/13/2011

HB 219, introduced by McGillvray
HB 327, introduced by McClafferty

ANNOUNCEMENTS

Committee meetings were announced by committee chairs.

Senator Essmann moved the Senate recess until 2:30 p.m. Motion carried.

Senate in recess.

Senate reconvened at 2:30 p.m.

Senator Essmann moved the Senate take a 15-minute recess. Motion carried.

Senate in recess.

Senate reconvened at 2:44 p.m.

MESSAGES FROM THE GOVERNOR

April 13, 2011

The Honorable Jim Peterson
President of the Senate
State Capitol
Helena, MT 59620

The Honorable Mike Milburn
Speaker of the House
State Capitol
Helena, MT 59620

Dear President Peterson and Speaker Milburn:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby veto Senate Bill No. 254 (SB 254), **"AN ACT AUTHORIZING THE STATE OF MONTANA TO EXERCISE EMINENT DOMAIN AUTHORITY ON CERTAIN PROPERTY POSSESSED BY THE FEDERAL GOVERNMENT; AMENDING SECTIONS 2-1-102, 70-30-101, AND 70-30-103, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."**

I have been advised that SB 254 does not pass constitutional muster, and I understand that the Legislature's own lawyers are in accord. Like all elected officials, I have sworn to uphold not only the Montana Constitution, but the Constitution of the United States of America.

Senate Bill 254 purports to establish a power of eminent domain in the State over any "property possessed by the federal government," with limited exceptions. This bill stands in direct conflict with Article IV, section 3, clause 2 of the U.S. Constitution, known as the Property Clause, which reserves to Congress the "Power to dispose of and make all needful Rules and Regulations respecting the ... Property belonging to the United States ...." The United States Supreme Court has held that when Congress passes legislation respecting federal lands, the legislation "necessarily overrides conflicting state laws under the Supremacy Clause." Kleppe v. New Mexico, 426 U.S. 529, 543 (1976).

Legislation that is patently unconstitutional is frivolous. I ask your support in sustaining my veto

of this unconstitutional, frivolous bill.

Sincerely,

BRIAN SCHWEITZER
GOVERNOR

cc: Legislative Services Division

April 13, 2011

The Honorable Jim Peterson
President of the Senate
State Capitol
Helena, MT 59620

The Honorable Mike Milburn
Speaker of the House
State Capitol Helena, MT 59620

Dear President Peterson and Speaker Milburn:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby veto Senate Bill No. 324 (SB 324), **"AN ACT REVISING THE LAWS GOVERNING THE DISPOSITION OF CIVIL FINES, SETTLEMENT PROCEEDS, COSTS, AND FEES RECOVERED IN CONSUMER PROTECTION ACTIONS; DIRECTING THE ADOPTION OF PROCEDURES FOR DISTRIBUTION OF SETTLEMENT PROCEEDS RECEIVED ON BEHALF OF CONSUMERS TO THE CONSUMERS ON WHOSE BEHALF THE SETTLEMENT IS MADE; AMENDING SECTIONS 30-14-143 AND 30-14.226, MCA; AND PROVIDING AN EFFECTIVE DATE."**

The consumer protection powers vested in the Attorney General exist to protect Montana citizens from unfair and deceptive business practices. The settlements targeted by SB 324 are often the result of litigation against multi-national corporations that have engaged in business practices that harm consumers across the state, and the terms of these settlements in these cases routinely restrict the recovered funds so as to benefit the consumers who were harmed. Senate Bill 324 would divert these restricted settlement funds to the general fund, calling into question the state's ability to continue to participate effectively in settlements that dictate that money recovered must be used on behalf of vulnerable consumers.

The Office of Consumer Protection receives no general fund money and operates entirely on the basis of funds it is able to recover through litigation on behalf of Montana consumers. The money at issue in SB 324 is not taxpayer dollars, it is money recovered from businesses that violate Montana's consumer protection laws. Pursuant to § 17-8-101, MCA, under current law, money recovered in these cases that is expressly restricted by the terms of a settlement

agreement is not subject to legislative appropriation.

A single, small state like Montana may not be able to influence or alter the terms of multi-state settlements. Otten, the best use of this money is to educate consumers, help the class of consumers harmed, and continue the state's consumer protection efforts. I disagree with the policy expressed in SB 324 that establishes a "one size all" approach for the direction of money recovered by the State of Montana in all consumer protection cases.

For these reasons, I respectfully ask that you sustain my veto of SB 324.

Sincerely,

BRIAN SCHWEITZER
GOVERNOR

cc: Legislative Services Division

April 13, 2011

The Honorable Jim Peterson
President of the Senate
State Capitol
Helena, MT 59620

The Honorable Mike Milburn
Speaker of the House
State Capitol
Helena, MT 59620

Dear President Peterson and Speaker Milburn:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby veto Senate Bill No. 370 (SB 370), **"AN ACT REQUIRING A COST-BENEFIT ANALYSIS BEFORE ENACTMENT OF HEALTH INSURANCE MANDATES; LIMITING INITIAL MANDATES TO STATE EMPLOYEE HEALTH BENEFIT PLANS; REQUIRING TERMINATION DATES AND CONDITIONS FOR CONTINUATION; REQUIRING THE DEPARTMENT OF ADMINISTRATION AND THE COMMISSIONER OF INSURANCE TO PROVIDE SEPARATE COST-BENEFIT ANALYSES."**

Senate Bill 370 establishes a complex cost-benefit analysis and process that must be followed with respect to legislation containing specific health insurance mandates. Additionally, SB 370 requires that legislation containing insurance mandates contain a specified termination date and a requirement that the initial application of the mandate apply to the state employee group health benefit plan. The cost-benefit analysis of the legislation must be conducted by the Commissioner of Insurance through existing funds, and, if the legislation becomes law, the

Department of Administration must conduct its own cost-benefit analysis of the impact of the mandate on the state employee group health plan.

The process established in this bill limiting future legislatures as to the information they must obtain from the Commissioner of Insurance prior to acting on legislation in this specific content area is precedent-setting. It is clear that the proponents of SB 370 oppose mandated health insurance coverage, examples of which are found currently throughout the Montana code. As a general policy matter, mandated coverages help spread specific health care costs among large pools of insureds, in some instances to make insurance affordable to individuals who through no fault of their own, would otherwise be hard to insure (e.g., people with birth defects). and in other instances for more general policy reasons (e.g., mammography or preventative health care coverage).

Additionally, the provisions in SB 370 requiring the Department of Administration to conduct a cost-benefit analysis on the impact of a health insurance mandate on the state employee group health plan also presents concerns, as this analysis may not be statistically meaningful to the private insurance market. For example, because the state's labor force, located primarily in Helena, is on average 47 years old, state employees may not be representative, demographically, of Montanans across the state who carry private insurance.

Finally, I note that it is unclear whether the requirements contained in SB 370 would apply to programs such as Medicaid and the Children's Health Insurance Program. If so, the bill presents another host of problems.

These are but some of my objections to SB 370. I respectfully ask that you sustain my veto of the bill.

Sincerely,

BRIAN SCHWEITZER
GOVERNOR

cc: Legislative Services Division

April 13, 2011

The Honorable Jim Peterson
President of the Senate
State Capitol Helena, MT 59620

The Honorable Mike Milburn
Speaker of the House
State Capitol Helena, MT 59620

Dear President Peterson and Speaker Milburn:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby veto Senate Bill No. 111 (SB 111), **"AN ACT LIMITING LIABILITY FOR NONECONOMIC LOSS ARISING OUT OF OPERATION OF A MOTOR VEHICLE; AND REQUIRING CERTAIN INSURERS TO REPORT TO THE ECONOMIC AFFAIRS INTERIM COMMITTEE."**

Senate Bill 111, with certain exceptions, would absolve a party responsible for injury to another from noneconomic damages arising out of a motor vehicle accident if the injured person had failed to carry motor vehicle insurance as required by state law, was driving under the influence, or was driving with an alcohol concentration in excess of the statutory limit. The bill thus would limit the legal remedies to which an individual is entitled based on the individual's status (e.g., as uninsured or driving under the influence). I object to SB 111 because I do not believe there is a rational relationship between the "punishment" under the bill and the status of the individuals upon whom the punishment would be imposed.

I also note that during the hearing on the bill in the House Transportation Committee, both the sponsor and insurers asked that the Committee strike a Senate amendment, requiring insurers to report the effect of passage of the bill on premium rates in Montana to the Legislature's economic affairs interim committee. Insurance representatives described the reporting requirement as problematic, in that insurers would be hardpressed to identify what effect passage of this piece of legislation would have on insurance premiums in the state. Thus, the purported purpose for the bill, to drive down insurance rates, was disclaimed by the insurance industry, itself.

I respectfully ask for your support to sustain my veto of SB 111.

Sincerely,

BRIAN SCHWEITZER
GOVERNOR

cc: Legislative Services Division

April 13, 2011

The Honorable Jim Peterson
President of the Senate
State Capitol Helena, MT 59620

The Honorable Mike Milburn
Speaker of the House
State Capitol Helena, MT 59620

Dear President Peterson and Speaker Milburn:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby veto Senate Bill No. 228 (SB 228), **"AN ACT PROHIBITING THE CREATION OF A STATE-BASED HEALTH INSURANCE EXCHANGE UNDER THE PATIENT PROTECTION AND AFFORDABLE CARE ACT; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."**

The federal health care reform act requires that, commencing in 2014, health insurance exchanges be made available in each state to serve as an online marketplace for individuals and small businesses to compare rates and coverage as they shop for health insurance. Senate Bill 228 would prohibit Montana from developing its own exchange, the effect of which necessarily would be the creation of an exchange in Montana by the federal government. Under SB 228, Montana will lose the ability and flexibility to structure an exchange that will optimally serve the needs of our citizens, particularly those individuals covered by our state's Medicaid program. Like the federal health care reform act or not, SB 228 does not appear to be in the best interests of our state or its citizens.

I respectfully ask that you sustain my veto of SB 228 for the same reasons.

Sincerely,

BRIAN SCHWEITZER
GOVERNOR

cc: Legislative Services Division

April 13, 2011

The Honorable Jim Peterson
President of the Senate
State Capitol
Helena, MT 59620
The Honorable Mike Milburn
Speaker of the House
State Capitol
Helena, MT 59620

Dear President Peterson and Speaker Milburn:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby veto Senate Bill No. 183 (SB 183), **"AN ACT PROHIBITING ESTABLISHMENT OF AN INTERIM ZONING DISTRICT OR INTERIM REGULATION TO PREVENT A PROPOSED USE UNDER CERTAIN CIRCUMSTANCES; PROHIBITING ESTABLISHMENT OF AN INTERIM ZONING DISTRICT OR INTERIM REGULATION TO PREVENT AGRICULTURAL ACTIVITIES; AND AMENDING SECTION 76M 2·206, MCA."**

Senate Bill 183 prohibits the establishment of interim zoning districts or regulations for proposed uses that are subject to regulation and approval by agencies of the State of Montana under Title 75, Title 76, chapter 4, or Title 82 of the Montana Code Annotated. This bill was specifically intended to help "move development forward" by limiting the use of interim zoning by Montana counties.

Interim zoning is a tool that counties can use to protect the public health, safety, morals, and general welfare in an emergency. Mont. Code Ann. § 76-2-206. Under S8 183, if a proposed use is both consistent with existing zoning regulations and subject in whole or in part to regulation and approval by a state agency, then interim zoning cannot be used to temporarily prevent the proposed use while the county studies the issue or considers the adoption of regulations for the proposed use. Uses could include obvious incompatible uses such as feedlots or used tire dumps, but under the language of SB 183, also would include any use requiring sanitation approval, an air quality permit, a permit to discharge hazardous waste or storm water, a public water supply permit, a landfill permit, a streambed alteration permit, or an open cut mining permit from a state agency. Senate Bill 183 also prohibits a county from adopting interim zoning to prevent agricultural activities, "as provided in Title 76, chapter 2, part 9," however the referenced statute already prevents a county from adopting zoning to prevent agricultural activities and is merely duplicative of existing state law.

The prohibitions on interim zoning districts contained in SB 183 would elevate the rights of gravel pit and feedlot operators over the rights of the community and surrounding landowners. While a proposed use may be regulated in part by a state qgency, many aspects of the use are not, such as the potential impacts of the use on local traffic, schools, wildlife, and compatibility with surrounding land uses. These impacts, in many cases, can be prevented only with interim zoning while the county studies these issues and considers regulations on the use to minimize or avoid such impacts to the community. This is a valid and reasonable use of an already limited local authority, allowing a county to temporarily delay development that might otherwise occur contrary to the long-term goals of the community.

I respectfully ask for your support in sustaining my veto of SB 183.

Sincerely,

BRIAN SCHWEITZER
GOVERNOR

cc: Legislative Services Division

April 13, 2011

The Honorable Jim Peterson
President of the Senate
State Capitol
Helena, MT 59620

The Honorable Mike Milburn
Speaker of the House
State Capitol
Helena, MT 59620

Dear President Peterson and Speaker Milburn:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby veto Senate Bill No.109 (SB 109), **"AN ACT REVISING THE DEFINITION OF "ELIGIBLE RENEWABLE RESOURCE" UNDER THE MONTANA RENEWABLE POWER PRODUCTION AND RURAL ECONOMIC DEVELOPMENT ACT; AMENDING SECTION 69-3-2003, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."** I issue this veto because SB 109 allows for hydropower of any size to be incorporated into Montana's Renewable Portfolio Standard (RPS), which has the effect of subverting the RPS and discouraging the development of new energy projects and the creation of new jobs.

The primary purpose of Montana's Renewable Power Production and Rural Economic Development Act, passed by the 2005 Legislature and signed by me into law, was to create incentives for diverse rural economic development through the production of renewable power commencing operation after January 1, 2005. Since the law's passage, Montana has seen over $800 million of capital investment in renewable energy development, the creation of nearly 700 high-paying jobs, and over 400 megawatts of new, installed renewable power capacity.

The purpose of the Renewable Power Production and Rural Economic Development Act holds as true today as it did in 2005, however SB 109 completely defeats that purpose by expanding the definition of resources eligible to meet renewable energy standards to include all hydroelectric generation, regardless of size. Under the definition found in SB 109, projects already completed (e.g., the Noxon and Kerr Dam expansions) or already underway (e.g., the Rainbow Dam rebuild) would be eligible resources. Worse yet, Montana's 15% standard could be met immediately upon passage of SB 109, undercutting all incentive for various hydro and wind projects currently in planning stages or under examination for potential power production.

In this way, SB 109 discourages development of bona fide new renewable energy projects, which means fewer jobs for Montanans and less revenue for local governments. From "day one of this session, I have defined my top priority as the creation of jobs, and many legislators have voiced similar sentiments. Senate Bill 109 not only runs counter to the development of new renewable energy sources, it runs counter to this top priority of job creation.
For these reasons, I respectfully ask for your support in sustaining my veto.

Sincerely,

BRIAN SCHWEITZER
GOVERNOR

cc: Legislative Services Division

April 13, 2011

The Honorable Jim Peterson
President of the Senate
State Capitol Helena, MT 59620

The Honorable Mike Milburn
Speaker of the House
State Capitol Helena, MT 59620

Dear President Peterson and Speaker Milburn:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby veto Senate Bill No. 114 (SB 114), **"AN ACT STATING THAT FEDERAL LAW ENFORCEMENT OFFICERS SHOULD COMMUNICATE WITH LOCAL SHERIFFS BEFORE TAKING OFFICIAL ACTION IN A COUNTY; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."**

I issue this veto of SB 114 because the bill, by its terms, is unenforceable and therefore unnecessary. Communication between federal and state law enforcement officials is established when those law enforcement officials talk to each other. Communication is not established through passage of frivolous legislation.
I respectfully ask that you sustain my veto of SB 114.

Sincerely,

BRIAN SCHWEITZER
GOVERNOR

cc: Legislative Services Division

April 13, 2011

The Honorable Jim Peterson
President of the Senate
State Capitol
Helena, MT 59620

The Honorable Mike Milburn
Speaker of the House
State Capitol
Helena, MT 59620

Dear President Peterson and Speaker Milburn:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby veto Senate Bill No. 159 (SB 159), **"AN ACT REVISING THE STATE BUILDING CODE TO REQUIRE THE ADOPTION OF ENERGY-EFFICIENT CONSTRUCTION STANDARDS THAT THE DEPARTMENT OF LABOR AND INDUSTRY CAN DEMONSTRATE WILL RESULT IN ENOUGH ENERGY SAVINGS TO PAY FOR THE PURCHASE AND INSTALLATION OF ANY EQUIPMENT OR MATERIALS INSTALLED WITHIN THE FIRST 5 YEARS OF OCCUPANCY; REQUIRING THE DEPARTMENT TO USE THE 2009 BUILDING CODES AS THE BASELINE FROM WHICH TO EVALUATE FUTURE PROPOSED CHANGES TO THE BUILDING CODES AND TO DEVELOP COST ESTIMATES FOR ANY PROPOSED CHANGES TO THE BUILDING CODES; AND AMENDING SECTIONS 50-60-201 AND 50-60-203, MCA."**

My objections to SB 159 lie primarily in its amendments to Montana's building code that significantly alter the way that codes addresses energy efficiency. Specifically, SB 159 prohibits any future amendment to the 2009 edition of the building code absent a demonstration by the Department of Labor and Industry that the changes would result in energy savings that would pay for the purchase and installation of any equipment or nlaterials within five years of building occupancy. I believe these amendments are, at best, penny wise, but certainly pound foolish. The five-year payback standard established in SB 159 is arbitrary, and over time, will be increasingly difficult to satisfy. Even the National Association of Homebuilders finds a five-year payback to be too short. This payback period in no way reflects the average useful life of a residential or commercial building or even the average length of home ownership. The result will be that commercial, public, and residential buildings will be built without the energy conserving systems and methods to make those buildings less expensive to heat, cool, and maintain. Looking at life-cycle costs makes far more sense than a simple payback approach.

Further, I note that energy conservation measures, if installed at the time of construction, can be rolled into the mortgage, which can result in annual energy savings from the time of occupancy in excess of the increased annual mortgage costs resulting from the inclusion of the conservation measures in the construction. I believe SB 159 is short-sighted.

Additionally, I oppose the amendments to the purpose section of Montana's building code, Mont. Code Ann. § 50-60-201, that eliminate as a purpose the encouragement of energy efficiencies, including reduction of energy consumption particularly in the winter months. The current language is important in Montana, where winters are long and cold.
Finally, I note that the five-year payback requirements -requiring comparison of construction costs to energy costs --are rigidly established but completely undefined. The costs to purchase and install energy efficient equipment or materials will vary across the state and frequently will change, as will the rates energy providers charge and therefore the value of energy savings. This standard is unworkable. I anticipate that if SB 159 were to become law, future administrations would be hesitant to amend the 2009 energy conservation requirements lest they subject themselves to litigation under the ill-defined requirements of the bill.
I respectfully ask that you sustain my veto of SB 159 for the reasons expressed above.

Sincerely,

BRIAN SCHWEITZER
GOVERNOR

cc: Legislative Services Division

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Essmann moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Facey in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

Senator Hutton excused.

SJR 30 - Senator Windy Boy moved **SJR 30** be adopted. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Shockley, Sonju, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Mr. President.
Total 44

Nays: Barrett, Ripley, Steinbeisser, Wittich, Zinke.
Total 5

Absent or not voting: None.
Total 0

Excused: Hutton.
Total 1

Senator Hutton present.

SB 156 - **Free Conference Committee Report No. 1** - Senator Murphy moved the Free Conference Committee report to **SB 156** be adopted. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Essmann moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. Senate resumed. President Peterson in the chair. Chairman Facey moved the Committee of the Whole report be adopted. Report adopted as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: Wanzenried.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

REPORTS OF STANDING COMMITTEES

PUBLIC HEALTH, WELFARE AND SAFETY (Priest, Chairman): 4/13/2011
HJR 8, be concurred in. Report adopted.

STATE ADMINISTRATION (Shockley, Chairman): 4/13/2011
SR 25, do pass. Report adopted.

Senator Essmann moved the Senate recess until 4:00 p.m. Motion carried.

Senate in recess.

Senate reconvened at 4:00 p.m.

MESSAGES FROM THE GOVERNOR

April 13, 2011

The Honorable Jim Peterson
President of the Senate
State Capitol Helena, MT 59620

Dear President Peterson:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return with amendments Senate Bill No. 356 (SB 356), **"AN ACT CLARIFYING THE DEFINITION OF "GOOD CAUSE SHOWN" FOR A HEARING ON A TEMPORARY PRELIMINARY DECREE OR PRELIMINARY DECREE; AND AMENDING SECTION 85-2-233, MCA."**

Senate Bill 356 amends the statute defining who has standing to object to a water right claim in the Montana Water Court and who is entitled to a hearing. The bill, as written, would grant standing only to a person with an ownership interest in an existing water right, permit, certificate, or state reservation. I believe the standing threshold in the bill, based on ownership status, alone, is insufficient and would likely not survive a constitutional challenge.

My proposed amendment would define those with standing to object as persons not only with an "ownership interest" but those with a "leasehold, economic, or other substantial interest." The difference between the bill with and without my amendments is subtle, but important. Under my amendment, in order to have standing, an individual would be required to demonstrate a real interest in the water right, not simply a general interest as a member of the public.
I have discussed my proposed amendment with the sponsor of the bill, Senator Hamlett, who indicates his support. I ask for your favorable consideration of the proposed amendment.

Sincerely,

BRIAN SCHWEITZER
GOVERNOR

cc: Legislative Services Division

Report No. 1, April 18, 2011

Governor's recommendations for amendments to **Senate Bill 356** (reference copy -- salmon) are as follows:

1. Page 1, line 21.
Following: "ownership"
Insert: ", leasehold, economic, or other substantial"

MESSAGES FROM THE OTHER HOUSE

House joint resolutions passed and transmitted to the Senate for concurrence: 4/13/2011

HJR 24, introduced by Blyton
HJR 25, introduced by Malek
HJR 31, introduced by Hendrick
HJR 32, introduced by Connell
HJR 38, introduced by Hansen
HJR 39, introduced by MacLaren

Senate bills concurred in and returned to the Senate: 4/13/2011

SB 412, introduced by Augare
SB 420, introduced by Gallus

Senate bills concurred in as amended and returned to the Senate for concurrence in House amendments:

4/13/2011

SB 253, introduced by Lake
SB 265, introduced by Hamlett
SB 295, introduced by Lake
SB 372, introduced by Tutvedt
SB 409, introduced by Tutvedt
SB 411, introduced by Erickson
SB 418, introduced by Wittich
SB 424, introduced by Williams
SB 426, introduced by Balyeat
SB 429, introduced by Wittich

Senate bill not concurred in and returned to the Senate: 4/13/2011

SB 214, introduced by Gillan

Governor's amendments to **House bill not** concurred in and transmitted to the Senate for consideration of the Governor's amendments.: 4/13/2011

HB 327, introduced by McClafferty

FIRST READING AND COMMITMENT OF BILLS

The following House joint resolutions were introduced, read first time, and referred to committees:

HJR 24, introduced by Blyton, Hale, Beck, Arntzen, Hollandsworth, Taylor, C. Smith, Read, Ingraham, Miller, Harris, Buttrey, Flynn, Rosendale, Washburn, Howard, Kennedy, Skees, Kary, Ehli, referred to Taxation.
HJR 25, introduced by Malek, referred to Business, Labor, and Economic Affairs.
HJR 31, introduced by Hendrick, referred to Taxation.
HJR 32, introduced by Connell, referred to Fish and Game.
HJR 38, introduced by Hansen, referred to Local Government.
HJR 39, introduced by MacLaren, referred to Local Government.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Essmann moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Facey in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 411 - **House Amendments** - Senator Erickson moved House amendments to **SB 411** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Murphy, Olson, Priest, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 42

Nays: Balyeat, Brenden, Hinkle, Mowbray, Ripley, Shockley, Vincent, Walker.
Total 8

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 418 - **House Amendments** - Senator Wittich moved House amendments to **SB 418** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Brown, Buttrey, Erickson, Essmann, Gillan, Hawks, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Mowbray, Murphy, Olson, Priest, Shockley, Sonju, Tutvedt, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 33

Nays: Branae, Brenden, Caferro, Facey, Gallus, Hamlett, Jent, Kaufmann, Keane, Larsen, Moore, Moss, Ripley, Steinbeisser, Stewart-Peregoy, Tropila, Van Dyk.
Total 17

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 424 - **House Amendments** - Senator C. Williams moved House amendments to **SB 424** be concurred in. Motion **failed** as follows:
Yeas: Augare, Blewett, Branae, Buttrey, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 23

Nays: Arthun, Balyeat, Barrett, Brenden, Brown, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 27

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 426 - **House Amendments** - Senator Balyeat moved House amendments to **SB 426** be concurred in. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 429 - **House Amendments** - Senator Wittich moved House amendments to **SB 429** be concurred in. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Hamlett, Hinkle, Hutton, Jackson, Jones, Keane, Lake, Larsen, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tutvedt, Vincent, Vuckovich, Walker, Windy Boy, Wittich, Zinke, Mr. President.
Total 38

Nays: Augare, Blewett, Branae, Gillan, Hawks, Jent, Kaufmann, Moss, Tropila, Van Dyk, Wanzenried, Williams.
Total 12

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Essmann moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Peterson in the chair. Chairman Facey moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arthun, Balyeat, Barrett, Branae, Brenden, Brown, Buttrey, Caferro, Essmann, Gallus, Gillan, Hamlett, Hinkle, Hutton, Jackson, Jones, Lake, Larsen, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 36

Nays: Augare, Blewett, Erickson, Facey, Hawks, Jent, Kaufmann, Keane, Moss, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 14

Absent or not voting: None.
Total 0

Excused: None.
Total 0

MESSAGES FROM THE OTHER HOUSE

HB 122 - The House failed to concur in Senate amendments to **HB 122,** authorized the Speaker to appoint the following Conference Committee, and requested that the Senate appoint a like committee to confer on Senate amendments to **HB 122:**

4/13/2011

Representative Inhraham, Vice Chair

Representative Skees
Representative Malekl

HB 375 - The House failed to concur in Senate amendments to **HB 375,** authorized the Speaker to appoint the following **Free** Conference Committee, and requested that the Senate appoint a like committee to confer on **HB 375:**

4/13/2011

Representative McNutt, Vice Chair
Representative Cook
Representative Sesso

HB 604 - The House failed to concur in Senate amendments to **HB 604,** authorized the Speaker to appoint the following **Free** Conference Committee, and requested that the Senate appoint a like committee to confer on **HB 604:**

4/13/2011

Representative McNutt, Vice Chair
Representative Esp
Representative McChesney

HB 611 - The House failed to concur in Senate amendments to **HB 611,** authorized the Speaker to appoint the following **Free** Conference Committee, and requested that the Senate appoint a like committee to confer on **HB 611:**

4/13/2011

Representative McGillvray, Vice Chair
Representative Esp
Representative Melhoff

HB 612 - The House failed to concur in Senate amendments to **HB 612,** authorized the Speaker to appoint the following Conference Committee, and requested that the Senate appoint a like committee to confer on Senate amendments to **HB 612:**

4/13/2011

Representative McNutt, Vice Chair
Representative Esp
Representative Sesso

HB 316 - The House failed to concur in Senate amendments to **HB 316,** authorized the Speaker to appoint the following **Free** Conference Committee, and requested that the Senate appoint a like committee to confer on **HB 316:**

4/13/2011

Representative Cook, Vice Chair
Representative Esp
Representative Sesso

HB 621 - The House failed to concur in Senate amendments to **HB 621,** authorized the Speaker to appoint the following **Free** Conference Committee, and requested that the Senate appoint a like committee to confer on **HB 621:**

4/13/2011

Representative Ankney, Vice Chair
Representative Cuffe
Representative Hollenbaugh

Senator Essmann moved the Senate stand at ease.

Senate at ease.

SPECIAL ORDERS OF THE DAY

Senator Brown thanked the Senate pages for their work during the week of April 11-13, 2011.

Committee meetings were announced by the committee chairs.

Majority Leader Essmann moved that the Senate adjourn until 9:00 a.m., Monday, April 18, 2011. Motion carried.

Senate adjourned at 4:44 p.m.

MARILYN MILLER
Secretary of the Senate

JIM PETERSON
President of the Senate

SENATE JOURNAL
62ND LEGISLATURE
EIGHTY-THIRD LEGISLATIVE DAY

Helena, Montana — Senate Chambers
April 18, 2011 — State Capitol

Senate convened at 9:00 a.m. President Peterson presiding. Invocation by Chaplain Keith Johnson. Pledge of Allegiance to the Flag. Roll Call. All members present, except Senator Vincent, excused. Quorum present.

Senator Vincent present.

LEGISLATIVE ADMINISTRATION (Brown, Chairman): 4/18/2011

MR. PRESIDENT:
We, your committee on Legislative Administration recommend that employment of the following attaches of the Senate be terminated as of 5:00 p.m., Wednesday, April 13, 2011:

TITLE	NAME
Pages:	Sami Doane, Richey
	Tate Lamb, Belgrade
	Matt Myers, Churchill
	Michelle Portra, Billings
	Josh Sinrud, Belgrade
	Katie Staffanson, Sidney
	James Werk, Harlem

and recommend that the following attaches of the Senate be employed as of 8:00 a.m., Monday, April 18, 2011:

TITLE	NAME
Pages:	Sarah Burk, Ulm
	Austin Davis, Butte
	Zachary Hargrove, Billings
	Cassia Wagner, Kalispell
	Kelly Walker, Billings

Report Adopted.

BILLS AND JOURNALS: 4/18/2011

Correctly printed: **SJR 28**, **SJR 29**, **SJR 30**, **HB 211**, **HB 409**, **HJR 8**.
Correctly enrolled: **SB 412**, **SB 420**.
Examined by the sponsor and found to be correct: **SB 412**, **SB 420**.
Signed by the Speaker at 4:40 p.m., April 13, 2011: **SB 54**, **SB 108**, **SB 135**, **SB 136**, **SB 138**, **SB**

149, **SB 268**, **SB 279**, **SB 327**, **SB 382**, **SB 389**.
Signed by the President at 2:45 p.m., April 13, 2011: **SB 54**, **SB 108**, **SB 135**, **SB 136**, **SB 138**, **SB 149**, **SB 268**, **SB 279**, **SB 327**, **SB 382**, **SB 389**.
Signed by the Secretary of the Senate at 5:40 p.m., April 12, 2011: **SB 54**, **SB 108**, **SB 135**, **SB 136**, **SB 138**, **SB 149**, **SB 268**, **SB 279**, **SB 327**, **SB 382**, **SB 389**.
Delivered to the Governor for approval at 10:06 a.m., April 14, 2011: **SB 54**, **SB 108**, **SB 135**, **SB 136**, **SB 138**, **SB 149**, **SB 279**, **SB 327**, **SB 382**, **SB 389**.
Delivered to the Secretary of State at 8:22 a.m., April 18, 2011: **SB 268**, **SJR 11**.

REPORTS OF STANDING COMMITTEES

ENERGY AND TELECOMMUNICATIONS (Olson, Chairman): 4/18/2011
SR 23, be adopted. Report adopted.

HIGHWAYS AND TRANSPORTATION (Jones, Chairman): 4/18/2011
SR 20, be adopted. Report adopted.

MESSAGES FROM THE GOVERNOR

April 15, 2011

The Honorable Jim Peterson
President of the Senate
State Capitol
Helena, Montana 59620

Dear Senator Peterson:

Please be informed that I have signed **Senate Bill 3** sponsored by Senator Hawks, **Senate Bill 5** sponsored by Senator Brown, **Senate Bill 9** sponsored by Senator Keane, **Senate Bill 55** sponsored by Senator Jent, **Senate Bill 160** sponsored by Senator Vincent, **Senate Bill 194** sponsored by Senator Brenden, **Senate Bill 208** sponsored by Senator Erickson, **Senate Bill 210** sponsored by Senator Tutvedt, **Senate Bill 223** sponsored by Senator Zinke, **Senate Bill 236** sponsored by Senator Buttrey, **Senate Bill 248** sponsored by Senator Gillan, **Senate Bill 275** sponsored by Senator Zinke, **Senate Bill 280** sponsored by Senator Brown, **Senate Bill 287** sponsored by Senator Keane, **Senate Bill 290** sponsored by Senator Zinke, and **Senate Bill 355** sponsored by Senator Hamlett on April 15, 2011.

Sincerely,

BRIAN SCHWEITZER
Governor

April 14, 2011

The Honorable Jim Peterson
President of the Senate
State Capitol
Helena, Montana 59620

Dear Senator Peterson:

Please be informed that I have signed **Senate Bill 74** sponsored by Senator Steinbeisser, **Senate Bill 76** sponsored by Senator Jent, **Senate Bill 91** sponsored by Senator Brown, and **Senate Bill 118** sponsored by Senator Jent on April 14, 2011. In addition I delivered the following bill with no signature.

SB 115 Hinkle Prohibit disclosure of certain hunters' information.

Sincerely,

BRIAN SCHWEITZER
Governor

April 15, 2011

The Honorable Jim Peterson
President of the Senate
State Capitol
Helena, Montana 59620

The Honorable Mike Milburn
Speaker of the House
State Capitol
Helena, Montana 59620

Dear President Peterson and Speaker Milburn:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return with amendments Senate Bill 11, "**AN ACT REDUCING THE WITHHOLDING TAX RATE ON THE PROCEEDS FROM LOTTERY WINNINGS; AMENDING SECTION 15-30-2522, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE**" for the following reasons.

As delivered to me, SB 11 contains an immediate effective date and a retroactive applicability date making the bill applicable to the current tax year. However, SB 11 changes the withholding rate, not the tax rate on proceeds from lottery winnings. Therefore, the retroactive applicability date is unnecessary and does not make sense in the context of the bill, and the immediate effective date

would be almost impossible for the Lottery Commission to implement.
My proposed amendments: 1) make the bill effective July 1 to provide the Lottery Commission lead time to implement the withholding changes required under the bill; and 2) eliminate the retroactive applicability date, which is unnecessary in this legislation that does not affect tax rates.
I ask for your favorable consideration of the amendments.

Sincerely,

BRIAN SCHWEITZER
Governor

Report No. 1, April 18, 2011

Governor's recommendations for amendments to **Senate Bill 11** (reference copy -- salmon) are as follows:

1. Title, line 6.
Strike: "IMMEDIATE"

2. Title, line 7.
Strike: "AND A RETROACTIVE APPLICABILITY DATE"

3. Page 1, line 23.
Strike: "on passage and approval"
Insert: "July 1, 2011"

4. Page 1, line 25 through line 26.
Strike: section 3 in its entirety

April 15, 2011

The Honorable Jim Peterson
President of the Senate
State Capitol
Helena, Montana 59620

The Honorable Mike Milburn
Speaker of the House
State Capitol
Helena, Montana 59620

Dear President Peterson and Speaker Milburn:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return with amendments Senate Bill 229, "**AN ACT AUTHORIZING CERTAIN**

SEPARATE LEGAL ENTITIES CREATED UNDER THE STATE-TRIBAL COOPERATIVE AGREEMENTS ACT TO CONTRACT WITH THE PUBLIC EMPLOYEES' RETIREMENT BOARD TO PROVIDE RETIREMENT SYSTEM COVERAGE FOR EMPLOYEES OF A LEGAL ENTITY" for the following reasons.

My proposed amendments to SB 229 are not intended to change the bill's original purpose but to improve the bill presented to me. I have worked on the amendments with representatives of the Public Employees' Retirement Board and state attorneys involved in water compact negotiations. My amendments ensure, which the original bill did not, that to become a contracting employer, the entity must meet all the requirements of Title 19, chapter 2, and Title 19, chapter 3, part 2, MCA, which requirements are consistent with federal tax law. Additionally, although I eliminated the restrictive language added into the bill, limiting its provisions only to entities managing irrigation projects, having consulted with the above representatives, I believe my proposed amendments retain appropriate sideboards.

I ask for your favorable consideration of my proposed amendments.

Sincerely,

BRIAN SCHWEITZER
Governor

Report No. 1, April 18, 2011

Governor's recommendations for amendments to **Senate Bill 229** (reference copy -- salmon) are as follows:

1. Page 1, line 12 through line 14.
Strike: "THAT" on line 12 through "system" on line 14
Insert: "is eligible under 19-3-201(1) to become a contracting employer with the public employees' retirement board if the separate legal entity meets all the requirements of Title 19, chapter 2, and Title 19, chapter 3, part 2, for a participating employer and to the extent that the eligible employees of the entity are substantially engaged in governmental services and not in the performance of commercial activities"

April 15, 2011

The Honorable Jim Peterson
President of the Senate
State Capitol
Helena, Montana 59620

The Honorable Mike Milburn
Speaker of the House
State Capitol
Helena, Montana 59620

Dear President Peterson and Speaker Milburn:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return with amendments Senate Bill 305, "**AN ACT REVISING MONTANA'S ENERGY POLICY; AMENDING SECTION 90-4-1001, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE**" for the following reasons.

Senate Bill 305 amends Montana's energy policy, encompassing energy production, transmission, use, and conservation. The bill takes an "all legs under the stool" approach, which I am glad to see. The revisions to the state energy policy expressed in SB 305 are consistent with the manner in which my Administration has tackled energy issues from the get-go and will continue to do so for the remainder of my term for the benefit of all Montanans.

This approach to energy development has been successful. It has been good for our economy, jobs, and tax base. Under this approach, Montana has become one of the fastest-growing states in the nation in terms of oil production, second in the nation in growth of coal production (up 13% since 2005), and first in wind power growth among states that have at least 250 megawatts of installed wind power. Montana also is in the process of building the first wholly merchant transmission line in the entire western interconnection, and, finally, using this approach, Montana has developed more new electrical generating capacity since 2005 than in the previous 20 years.

To continue this responsible, multi-faceted approach to energy development, I have suggested amendments that I believe make S8 305 even stronger. I respectfully ask for your support for these amendments.

Sincerely,

BRIAN SCHWEITZER
Governor

Report No. 1, April 18, 2011

Governor's recommendations for amendments to **Senate Bill 305** (reference copy -- salmon) are as follows:

1. Page 1, line 15 through line 16.
Strike: subsection (b) in its entirety
Insert: "(b) enhance existing energy development and create new diversified energy development from all of Montana's abundant energy resources;"

2. Page 1, line 17.
Following: "using"
Insert: "advanced"

3. Page 1, line 19.
Following: "manner"
Insert: "that includes the mitigation of greenhouse gas and other emissions"

4. Page 2, line 4.
Following: "lines"
Insert: ", pipelines, and other energy infrastructure"

5. Page 2, line 16 through line 17.
Strike: subsection (q) in its entirety
Insert: "(q) utilize modeling and high-capacity computer technology to quantify the benefits of geographic diversity and for regional planning in the siting of future wind development facilities in order to optimize usable power generation and mitigate firming needs;"

6. Page 2, line 21.
Strike: "that require facilities to pay the cost of integrating"
Insert: ", which facilitate the development of small power production facilities by identifying fair and reasonable costs for integration of"

7. Page 3, line 1.
Following: "lands;"
Strike: "and"

8. Page 3, line 4.
Following: "cost"
Insert: "; and

(x) ensure that adequate amounts of the electrical energy produced at the lowest cost in this state are reserved for Montana's families, businesses, and industries"

April 15, 2011

The Honorable Jim Peterson
President of the Senate
State Capitol
Helena, MT 59620

Dear President Peterson:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return with amendments Senate Bill No. 366 (SB 366), **"AN ACT**

GENERALLY REVISING THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES' RESPONSIBILITIES REGARDING ADMINISTRATION OF THE TEMPORARY ASSISTANCE TO NEEDY FAMILIES PROGRAM; REQUIRING THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES TO ADOPT REGULATIONS REQUIRING A 30-DAY SUSPENSION OF TEMPORARY ASSISTANCE FOR NEEDY FAMILIES BENEFITS WHEN AN ADULT FAMILY MEMBER VOLUNTARILY QUITS A JOB; REQUIRING COMPLETION OF ALL WORK ACTIVITIES FOR THE BENEFIT PERIOD BEFORE RECEIPT OF BENEFITS; AND AMENDING SECTION 53-4-212, MCA."

Senate Bill 366 would change Montana's Temporary Assistance to Needy Families Program (TANF) in two respects: it would impose a 30-day waiting period for benefits when an applicant has voluntarily quit a job of 20 hours/week or more without good cause and it would require the Department of Public Health and Human Services (DPHHS) to establish what is called a "pay for performance" requirement, under which a TANF recipient could not receive the benefit until after the required work was performed.

My amendments shorten the waiting period from 30 to 15 days and eliminate the "pay for performance" requirement . I offer my first amendment to lessen the hardship on children, who will also be hurt by a delay in the receipt of benefits when parents voluntarily leave their employment.

With regard to my second amendment, Montana already requires TANF recipients to work 30 hours/week as a condition of receiving benefits, and failure to comply results in strong sanctions, up to and including denial of benefits. Because these benefits are available to assist families in times of crisis, I believe it is not constructive to make the families wait 30 days, until the end of the benefit period, after they have completed their work assignments, to receive the benefit. DPHHS currently has a progressive sanction period that works well if recipients do not perform the required work.

I respectfully ask for your favorable consideration of my proposed amendments.

Sincerely,

BRIAN SCHWEITZER
GOVERNOR

cc: Legislative Services Division

Report No. 1, April 18, 2011

Governor's recommendations for amendments to **Senate Bill 366** (reference copy -- salmon) are as follows:

1. Title, line 7.
Strike: "30-DAY"
Insert: "15-DAY"

2. Title, line 9 through line 10.
Strike: "REQUIRING" on line 9 through "BENEFITS;" on line 10

3. Page 1, line 27 through line 28.
Following: "rules" on line 27
Strike: ":" on line 27 through "(i)" on line 28

4. Page 1, line 30.
Strike: "(A)"
Insert: "(i)"
Strike: "30"
Insert: "15"

5. Page 2, line 1.
Strike: "(B)"
Insert: "(ii)"
Strike: "30"
Insert: "15"

6. Page 2, line 3 through line 4.
Strike: subsection (ii) in its entirety

7. Page 4, line 4 through line 5.
Following: "rules" on line 4
Strike: ":" on line 4 through "(i)" on line 5

8. Page 4, line 7.
Strike: "(A)"
Insert: "(i)"
Strike: "30"
Insert: "15"

9. Page 4, line 8.
Strike: "(B)"
Insert: "(ii)"
Strike: "30"
Insert: "15"

10. Page 4, line 10 through line 11.
Strike: subsection (ii) in its entirety

MESSAGES FROM THE OTHER HOUSE

Governor's amendments to **Senate bills** concurred in and returned to the Senate: 4/13/2011

SB 294, introduced by Buttrey
SB 351, introduced by Ripley

Senate bill not concurred in and returned to the Senate: 4/13/2011

SB 214, introduced by Gillan

SB 329 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following **Free** Conference Committee to meet with a like committee from the Senate to confer on **SB 329:**

4/13/2011

Representative McGillvray, Vice Chair
Representative Esp
Representative Mehlhoff

SB 348 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following **Free** Conference Committee to meet with a like committee from the Senate to confer on **SB 348:**

4/13/2011

Representative K. Peterson, Vice Chair
Representative Connell
Representative Phillips

SB 423 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following **Free** Conference Committee to meet with a like committee from the Senate to confer on **SB 423:**

4/13/2011

Representative C. Smith, Vice Chair
Representative Berry
Representative Sands

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Essmann moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Windy Boy in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 379 - **House Amendments** - Senator Olson moved House amendments to **SB 379** be concurred in. Motion carried as follows:

Yeas: Arthun, Barrett, Brenden, Brown, Buttrey, Essmann, Gallus, Hutton, Jackson, Jones, Keane, Lake, Lewis, Moore, Mowbray, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 27

Nays: Augare, Balyeat, Blewett, Branae, Caferro, Erickson, Facey, Gillan, Hamlett, Hawks, Hinkle, Jent, Kaufmann, Larsen, Moss, Murphy, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 23

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 187 - **House Amendments** - Senator Shockley moved House amendments to **SB 187** be concurred in. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Lake, Lewis, Moore, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 29

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Kaufmann, Keane, Larsen, Moss, Mowbray, Murphy, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 326 - **House Amendments** - Senator Larsen moved House amendments to **SB 326** be concurred in. Motion carried as follows:
Yeas: Augare, Barrett, Blewett, Branae, Brown, Buttrey, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 41

Nays: Arthun, Balyeat, Brenden, Essmann, Hinkle, Hutton, Jackson, Ripley, Wittich.
Total 9

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 417 - **House Amendments** - Senator Buttrey moved House amendments to **SB 417** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: Shockley.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 90 - **Governor's Amendments** - Senator Buttrey moved Governor's amendments to **HB 90** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 43

Nays: Balyeat, Brenden, Hinkle, Hutton, Vincent, Walker, Wittich.
Total 7

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 559 - **Governor's Amendments** - Senator Priest moved Governor's amendments to **HB 559** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brown, Buttrey, Caferro, Erickson, Essmann,

Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 46

Nays: Balyeat, Brenden, Tropila, Wittich.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Essmann moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. Senate resumed. President Peterson in the chair. Chairman Windy Boy moved the Committee of the Whole report be adopted. Report adopted as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Larsen, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 47

Nays: Erickson, Kaufmann, Moss.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 29, **Conference Committee Report No. 1**, adopted as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich,

Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: Moore.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 43, **Free Conference Committee Report No. 1**, adopted as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Erickson, Essmann, Facey, Hamlett, Hinkle, Hutton, Jackson, Jent, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wanzenried, Windy Boy, Wittich, Zinke, Mr. President.
Total 34

Nays: Augare, Blewett, Branae, Caferro, Gallus, Gillan, Hawks, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Williams.
Total 16

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 47, **Conference Committee Report No. 1**, adopted as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Essmann, Facey, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Larsen, Lewis, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 44

Nays: Erickson, Gallus, Kaufmann, Lake, Moore, Tutvedt.
Total 6

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 132, **Conference Committee Report No. 1**, adopted as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moss, Mowbray, Murphy, Olson, Priest, Shockley, Sonju, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 47

Nays: Moore, Ripley, Steinbeisser.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 258, **Conference Committee Report No. 1**, adopted as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Essmann, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 48

Nays: Erickson, Facey.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 297, **Conference Committee Report No. 1**, adopted as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: Gallus.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 333, **as amended by the Governor**, concurred in as follows:
Yeas: Augare, Balyeat, Barrett, Blewett, Brown, Buttrey, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Larsen, Lewis, Mowbray, Murphy, Olson, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Williams, Zinke, Mr. President.
Total 37

Nays: Arthun, Branae, Brenden, Caferro, Erickson, Essmann, Kaufmann, Moore, Moss, Priest, Vincent, Windy Boy, Wittich.
Total 13

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 409 concurred in as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Windy Boy, Wittich, Zinke, Mr. President.
Total 46

Nays: Blewett, Hawks, Wanzenried, Williams.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 445 concurred in as follows:
Yeas: Arthun, Balyeat, Barrett, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Larsen, Lewis, Moore, Mowbray, Murphy, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Mr. President.
Total 26

Nays: Augare, Blewett, Branae, Brenden, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Moss, Olson, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke.
Total 24

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 525, **Conference Committee Report No. 1**, adopted as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 633 concurred in as follows:
Yeas: Arthun, Balyeat, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 26

Nays: Augare, Barrett, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moore, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 24

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 153, **Conference Committee Report No. 1**, adopted as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 156, **Free Conference Committee Report No. 1**, adopted as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 198, **Conference Committee Report No. 1**, adopted as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Caferro, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Vuckovich, Walker, Wittich, Zinke, Mr. President.
Total 30

Nays: Augare, Blewett, Branae, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried, Williams, Windy Boy.
Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 207, **as amended by the House**, passed as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 215, **as amended by the House**, passed as follows:
Yeas: Arthun, Augare, Balyeat, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 46

Nays: Barrett, Lake, Walker, Wittich.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 221, **Conference Committee Report No. 1**, adopted as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent,

Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 233, **as amended by the House**, passed as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Gallus, Hamlett, Hinkle, Hutton, Jackson, Jones, Keane, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Vuckovich, Walker, Windy Boy, Mr. President.
Total 32

Nays: Blewett, Branae, Caferro, Erickson, Facey, Gillan, Hawks, Jent, Kaufmann, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried, Williams, Wittich, Zinke.
Total 18

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 283, as amended by the House, passed as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 299, **as amended by the House**, passed as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 331, **as amended by the House**, passed as follows:
Yeas: Arthun, Augare, Balyeat, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 44

Nays: Barrett, Hinkle, Ripley, Sonju, Walker, Wittich.
Total 6

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 410, **as amended by the House**, passed as follows:
Yeas: Arthun, Balyeat, Barrett, Branae, Brenden, Brown, Buttrey, Essmann, Gillan, Hamlett, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Wittich, Zinke, Mr. President.
Total 36

Nays: Augare, Blewett, Caferro, Erickson, Facey, Gallus, Hawks, Kaufmann, Larsen, Stewart-Peregoy, Van Dyk, Wanzenried, Williams, Windy Boy.
Total 14

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 411, **as amended by the House**, passed as follows:
Yeas: Arthun, Augare, Blewett, Branae, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 38

Nays: Balyeat, Barrett, Brenden, Hinkle, Hutton, Ripley, Shockley, Sonju, Steinbeisser, Vincent, Walker, Wittich.
Total 12

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 418, **as amended by the House**, passed as follows:
Yeas: Arthun, Balyeat, Barrett, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Vuckovich, Walker, Wittich, Zinke, Mr. President.
Total 28

Nays: Augare, Blewett, Branae, Brenden, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried, Williams, Windy Boy.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 426, **as amended by the House**, passed as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 429, **as amended by the House**, passed as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Brenden, Brown, Buttrey, Essmann, Gallus, Gillan, Hamlett, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Larsen, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tutvedt, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 41

Nays: Branae, Caferro, Erickson, Facey, Hawks, Kaufmann, Moss, Tropila, Van Dyk.
Total 9

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJR 28 passed as follows:
Yeas: Arthun, Balyeat, Barrett, Branae, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tutvedt, Vincent, Walker, Wanzenried, Wittich, Zinke, Mr. President.
Total 30

Nays: Augare, Blewett, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Ripley, Tropila, Van Dyk, Vuckovich, Williams, Windy Boy.
Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJR 29 passed as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Mr. President.
Total 45

Nays: Ripley, Sonju, Tutvedt, Wittich, Zinke.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJR 30 passed as follows:
Yeas: Augare, Balyeat, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Shockley, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Mr. President.
Total 43

Nays: Arthun, Barrett, Ripley, Sonju, Steinbeisser, Wittich, Zinke.
Total 7

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SPECIAL ORDERS OF THE DAY

Senator Shockley moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 25**. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Jones, Kaufmann, Keane, Larsen, Lewis, Moss, Shockley, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 27

Nays: Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Lake, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich,

Zinke, Mr. President.
Total 23

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Facey moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 26**. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Priest moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 29**. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: Caferro.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Brown introduced the Senate pages for the week of April 18-21, 2011.
Committee meetings were announced by committee chairs.

Senator Shockley excused.

MOTIONS

Senator Williams moved to change her vote on **HB 445** from Yes to No. Without objection, so ordered.

Senator Blewett moved **HB 631** be moved from the Committee of the Whole to the Judiciary committee. Without objection, so ordered.

Senator Larsen moved to change his vote on **HB 445** from Yes to No. Upon objection from Senator Wittich, motion denied.

Senator Larsen moved to reconsider the third reading action on **HB 445**. Motion failed as follows:
Yeas: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Olson, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 23

Nays: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Priest, Ripley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 26

Absent or not voting: None.
Total 0

Excused: Shockley.
Total 1

Senate recessed at 10:37 p.m.

Senate reconvened at 1:02 p.m.

BILLS AND JOURNALS: 4/18/2011

Correctly engrossed: **SR 20**, **SR 23**.

REPORTS OF STANDING COMMITTEES

PUBLIC HEALTH, WELFARE AND SAFETY (Priest, Chairman): 4/18/2011
HB 526, be amended as follows:

1. Page 2, line 27.
Following: "defense"
Insert: ", the"
Strike: "or"
Following: "affairs"
Insert: ", or the Indian health service"
Strike: "OR PROVIDED TO INDIANS"

And, as amended, be concurred in. Report adopted.

MOTIONS

Senator Essmann moved the Senate accede to the House of Representative's request to appoint a Conference Committee on **HB 122**. Motion carried. President Peterson appointed:
4/18/2011

Senator Balyeat, Chair
Senator Jent
Senator Shockley

Senator Williams announced the Democrats would caucus.

Senator Essmann announced the Republicans would caucus.

Senate in recess.

Senate reconvened at 1:19 p.m.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Essmann moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Brown in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 253 - **House Amendments** - Senator Lake moved House amendments to **SB 253** be concurred in. Motion carried as follows:
Yeas: Arthun, Balyeat, Brenden, Brown, Buttrey, Essmann, Hamlett, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser,

Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 27

Nays: Augare, Barrett, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hawks, Jent, Kaufmann, Keane, Larsen, Moore, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 23

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 265 - **House Amendments** - Senator Hamlett moved House amendments to **SB 265** be concurred in. Motion **failed** as follows:
Yeas: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Murphy, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 23

Nays: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 27

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 295 - **House Amendments** - Senator Lake moved House amendments to **SB 295** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Gallus, Gillan, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tutvedt, Vincent, Vuckovich, Walker, Williams, Windy Boy, Zinke, Mr. President.
Total 43

Nays: Blewett, Facey, Hamlett, Tropila, Van Dyk, Wanzenried, Wittich.
Total 7

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 372 - **House Amendments** - Senator Tutvedt moved House amendments to **SB 372** be concurred in. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 409 - **House Amendments** - Senator Tutvedt moved House amendments to **SB 409** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: Hamlett.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 211 - Senator Hinkle moved **HB 211** be concurred in. Motion carried as follows:
Yeas: Augare, Branae, Brown, Caferro, Facey, Gallus, Gillan, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Moss, Murphy, Olson, Stewart-Peregoy, Tutvedt,

Vuckovich, Windy Boy, Zinke, Mr. President.
Total 26

Nays: Arthun, Balyeat, Barrett, Blewett, Brenden, Buttrey, Erickson, Essmann, Hamlett, Lewis, Moore, Mowbray, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tropila, Van Dyk, Vincent, Walker, Wanzenried, Williams, Wittich.
Total 24

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Essmann moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Peterson in the chair. Chairman Brown moved the Committee of the Whole report be adopted. Report adopted as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Essmann, Facey, Gallus, Gillan, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 45

Nays: Erickson, Hamlett, Kaufmann, Shockley, Wanzenried.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

REPORTS OF SELECT COMMITTEES

CONFERENCE COMMITTEE
on House Amendments to **Senate Bill 126**
Report No. 1, April 18, 2011

Mr. President and Mr. Speaker:
We, your Conference Committee met and considered House amendments to **Senate Bill 126** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Bill 126** (reference copy -- salmon) be amended as follows:

1. Page 2, line 1.
Following: "basis;"
Insert: "or"

2. Page 2, line 2.
Following: "$1,000 IN"
Insert: "gross"

3. Page 2, line 2 through line 4.
Following: "STOCK"
Strike: remainder of line 2 through "VENDORS" on line 4

4. Page 2, line 5 through line 7.
Strike: subsection (c) in its entirety

For the Senate:

Brown, Chair
Larsen

For the House:

Salomon, Vice Chair
Furey

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Essmann moved that the Senate adjourn until 8:00 a.m., Tuesday, April 19, 2011. Motion carried.

Senate adjourned at 1:58 p.m.

MARILYN MILLER
Secretary of the Senate

JIM PETERSON
President of the Senate

SENATE JOURNAL
62ND LEGISLATURE
EIGHTY-FOURTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
April 19, 2011 — State Capitol

Senate convened at 8:00 a.m. President Peterson presiding. Invocation by Chaplain Keith Johnson. Pledge of Allegiance to the Flag. Roll Call. All members present, except Senators Augare and Balyeat, excused. Quorum present.

BILLS AND JOURNALS: 4/19/2011

Correctly printed: **HB 198**, **HJR 8**.
Correctly engrossed: **HB 211**, **HB 526**.
Correctly enrolled: **SB 207**, **SB 215**, **SB 233**, **SB 283**, **SB 299**, **SB 331**, **SB 410**, **SB 411**, **SB 418**, **SB 429**, **SR 25**, **SR 26**, **SR 29**.
Signed by the President at 8:52 a.m., April 19, 2011: **SB 212**.
Signed by the Speaker at 9:05 a.m., April 19, 2011: **SB 212**.
Signed by the Secretary of the Senate at 12:35 p.m., April 13, 2011: **SB 212**.
Delivered to the Governor for approval at 9:10 a.m., April 19, 2011: **SB 212**.
Signed by the Speaker at 9:00 a.m., April 19, 2011: **SB 15**, **SB 87**, **SB 99**, **SB 110**, **SB 173**, **SB 255**, **SB 267**, **SB 296**, **SB 311**, **SB 333**, **SB 340**, **SB 347**, **SB 376**, **SB 402**.
Signed by the President at 4:15 p.m., April 18, 2011: **SB 15**, **SB 87**, **SB 99**, **SB 110**, **SB 173**, **SB 255**, **SB 267**, **SB 296**, **SB 311**, **SB 333**, **SB 340**, **SB 347**, **SB 376**, **SB 402**.
Signed by the Secretary of the Senate at 5:00 p.m., April 12, 2011: **SB 15**, **SB 87**, **SB 99**, **SB 110**, **SB 173**, **SB 255**, **SB 267**, **SB 296**, **SB 311**, **SB 333**, **SB 340**, **SB 347**, **SB 376**, **SB 402**.
Delivered to the Governor for approval at 11:05 a.m., April 19, 2011: **SB 15**, **SB 87**, **SB 99**, **SB 110**, **SB 173**, **SB 255**, **SB 267**, **SB 296**, **SB 311**, **SB 333**, **SB 340**, **SB 347**, **SB 376**, **SB 402**.
Examined by the sponsor and found to be correct: **SB 207**, **SB 215**, **SB 233**, **SB 283**, **SB 299**, **SB 331**, **SB 410**, **SB 411**, **SB 418**, **SB 429**, **SR 25**, **SR 26**, **SR 29**.

Mr. President: We, your committee on Bills and Journals, having examined the daily journals for the sixty-first, sixty-second, sixty-third, sixty-fourth, and sixty-fifth legislative days, find the same to be correct.

Senator Brown, Chair

MESSAGES FROM THE GOVERNOR

April 18, 2011

The Honorable Jim Peterson
President of the Senate
State Capitol
Helena, MT 59620

Dear President Peterson:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return with amendments Senate Bill No. 36 (SB 36), **"AN ACT PROVIDING A DISTRICT COURT DISCRETION TO AWARD REASONABLE COSTS AND ATTORNEY FEES INCURRED AS A RESULT OF AN APPEAL OF A FINAL DECISION ON A PERMIT APPLICATION OR A CHANGE IN APPROPRIATION RIGHT; ALLOWING THE AWARD OF COSTS AND ATTORNEY FEES INCURRED AS A RESULT OF ADMINISTRATIVE PROCEEDINGS; AMENDING SECTION 85-2-125, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."**

Senate Bill 36, By Request of the Water Policy Committee, concerns the subject of attorney fee awards in water adjudication cases. It amends the current statute primarily by replacing a mandatory attorney fee provision in current law with a discretionary one, giving the district court discretion as to whether to allow the prevailing party to recover attorney fees and costs. I support these amendments to current law in SB 36.

My proposed amendments address the question of whether a district court may award attorney fees incurred during administrative proceedings. I believe the better public policy is to require each party to pay their own costs and fees at the administrative level. I am concerned that allowing the court to award the prevailing party attorney fees incurred during administrative proceedings could have a chilling effect on senior water rights holders, who tend to be individual farmers and ranchers, when they appear to protect and defend their water rights.

I respectfully ask for your support of my amendments.

Sincerely,

BRIAN SCHWEITZER
GOVERNOR

cc: Legislative Services Division

Report No. 1, April 19, 2011

Governor's recommendations for amendments to **Senate Bill 36** (reference copy -- salmon) are as follows:

1. Title, line 8.
Strike: "ALLOWING"
Insert: "PROHIBITING"

2. Page 1, line 18.
Following: "~~NOT NOT~~"
Insert: "not"

April 18, 2011

The Honorable Jim Peterson
President of the Senate
State Capitol
Helena, MT 59620

Dear President Peterson:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return with amendments Senate Bill No. 277 (SB 277), **"AN ACT CLARIFYING THAT THE BEEF CHECK-OFF IS TO BE PAID ONLY ON CATTLE SOLD; LIMITING THE FEE CHARGEABLE BY THE DEPARTMENT OF LIVESTOCK FOR COLLECTING THE NATIONAL BEEF CHECK-OFF; REQUIRING THE LEGISLATIVE AUDITOR TO AUDIT THE DEPARTMENT OF LIVESTOCK'S DIRECT COSTS FOR COLLECTING THE BEEF CHECK-OFF; AMENDING SECTIONS 81-1-102, 81-8-901, AND 81-8-902, MCA; AND PROVIDING AN EFFECTIVE DATE."**

Senate Bill 277 addresses the Montana Department of Livestock's responsibilities to contract with the Montana Beef Council for collection of the beef check-off assessments as required by the national Beef Promotion and Research Act of 1985. Current law requires that the Beef Council reimburse the department for its expenses in collecting the check-off, but SB 277 caps the reimbursement at 5% of the total check-off funds collected. Additionally, SB 277 requires the Legislative Auditor to verify the costs the Department incurs through the collection process.

I agree that collection by the Department is probably the most efficient way to secure the required check-off payments. I also agree with the requirements in SB 277 that a third party - the Legislative Auditor - verify the Department's reimbursable expenses.

However, I disagree with capping reimbursement of the Department's expenses at 5%. The Department's expenses to collect the fee do not fluctuate significantly based on the number of cattle sold, as most of the Department's expenses are fixed costs, and historically, the expenses have exceeded 5%. Therefore, imposing a cap will prevent the Department from recovering its actual costs to perform this function for the livestock industry.

My amendments remove the 5% cap on reimbursement. In this way, the Department will recover its actual costs to administer the check-off, as verified by the Legislative Auditor. Under my amendments, should the verified reimbursement amount exceed 5%, the Montana Beef Council would either have to pay the actual expenses incurred by the Department or negotiate with the Department a procedure that would be less costly.

I encourage those negotiations to take place and ask for your support of my proposed amendments.

Sincerely,

BRIAN SCHWEITZER
GOVERNOR

cc: Legislative Services Division

Report No. 1 April 19, 2011

Governor's recommendations for amendments to **Senate Bill 277** (reference copy -- salmon) are as follows:

1. Title, line 5 through line 6.
Strike: "LIMITING" on line 5 through "CHECK-OFF;" on line 6

2. Title, line 8.
Strike: "81-1-102,"

3. Page 1, line 12 through line 23.
Strike: section 1 in its entirety
Renumber: subsequent sections

4. Page 2, line 3.
Strike: "(a)"
Strike: "EXCEPT" through "THE"
Insert: "Any"

5. Page 2, line 4 through line 5.
Following: "fee" on line 4
Strike: "," on line 4 through "collected," on line 5
Following: "to"
Insert: "be paid to the department to"

6. Page 2, line 8 through line 11.
Strike: line 8 through line 11

MESSAGES FROM THE OTHER HOUSE

Senate amendments to House bills concurred in: 4/18/2011

HB 4, introduced by Mehlhoff
HB 5, introduced by Sesso
HB 6, introduced by McChesney
HB 7, introduced by Belcourt
HB 9, introduced by Hollenbaugh
HB 10, introduced by Hollenbaugh
HB 133, introduced by Salomon

HB 262, introduced by Sands
HB 296, introduced by Sesso
HB 351, introduced by Cook
HB 366, introduced by Rosendale
HB 495, introduced by Cook
HB 587, introduced by McNutt
HB 613, introduced by Roberts
HB 619, introduced by Ankney

Senate bills concurred in and returned to the Senate: 4/18/2011

SB 132, introduced by Essmann
SB 143, introduced by Barrett
SB 225, introduced by Priest
SB 354, introduced by Jent

Senate joint resolutions concurred in and returned to the Senate: 4/18/2011

SJR 17, introduced by Tutvedt
SJR 18, introduced by Gillan

Senate joint resolutions concurred in as amended and returned to the Senate for concurrence in House amendments:
4/18/2011

SJR 15, introduced by Tutvedt
SJR 20, introduced by Wittich

Conference Committee Report No.1 adopted: 4/18/2011

SB 198, introduced by Balyeat
HB 29, introduced by McNiven
HB 47, introduced by K. Peterson
HB 132, introduced by Hoven
HB 258, introduced by Edmunds
HB 297, introduced by Berry
HB 525, introduced by McNiven

Free Conference Committee Report No.1 adopted: 4/18/2011

HB 43, introduced by MacLaren

REPORTS OF SELECT COMMITTEES

CONFERENCE COMMITTEE
on House Amendments to **Senate Bill 338**
Report No. 1, April 18, 2011

Mr. President and Mr. Speaker:
We, your Conference Committee met and considered House amendments to **Senate Bill 338** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that House amendments to **Senate Bill 338** (reference copy -- salmon) be accepted by the Senate.

For the Senate:	For the House:
Brown, Chair	G. Bennett, Vice Chair
Arthun	Kennedy

CONFERENCE COMMITTEE
on Senate Amendments to **House Bill 593**
Report No. 1, April 18, 2011

Mr. President and Mr. Speaker:
We, your Conference Committee met and considered Senate amendments to **House Bill 593** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 593** (reference copy -- salmon) be amended as follows:

1. Page 1, line 24.
Strike: "SHALL"
Insert: "may"

For the Senate:	For the House:
Olson, Chair	Ankney, Vice Chair
Keane	McChesney
Walker	Stahl

MOTIONS

Senator Tutvedt moved to reconsider the second reading action on **SB 372** and place **SB 372** on second reading on Tuesday, April 29, 2011. Motion carried as follows:
Yeas: Arthun, Barrett, Brenden, Brown, Buttrey, Essmann, Gallus, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tutvedt, Vincent, Vuckovich, Walker, Windy Boy, Wittich,

Zinke, Mr. President.
Total 34

Nays: Blewett, Branae, Caferro, Erickson, Facey, Gillan, Kaufmann, Keane, Larsen, Moss, Tropila, Van Dyk, Wanzenried, Williams.
Total 14

Absent or not voting: None.
Total 0

Excused: Augare, Balyeat.
Total 2

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Essmann moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Gallus in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HJR 8 - Senator Caferro moved **HJR 8** be concurred in. Motion carried as follows:
Yeas: Blewett, Branae, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moss, Mowbray, Murphy, Olson, Shockley, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 36

Nays: Arthun, Barrett, Brenden, Brown, Hinkle, Moore, Priest, Ripley, Sonju, Steinbeisser, Walker, Wittich.
Total 12

Absent or not voting: None.
Total 0

Excused: Augare, Balyeat.
Total 2

SB 11 - **Governor's Amendments** - Senator Erickson moved Governor's amendments to **SB 11** be concurred in. Motion carried as follows:
Yeas: Arthun, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker,

Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Augare, Balyeat.
Total 2

Senator Balyeat present.

SB 356 - **Governor's Amendments** - Senator Hamlett moved Governor's amendments to **SB 356** be concurred in.

SB 356 - Senator Essmann made a **substitute motion** that consideration of **SB 356** be passed for the day. Motion carried.

Senator Essmann moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Peterson in the chair. Chairman Gallus moved the Committee of the Whole report be adopted. Report adopted as follows:
Yeas: Arthun, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 47

Nays: Gillan, Wanzenried.
Total 2

Absent or not voting: None.
Total 0

Excused: Augare.
Total 1

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 187, **as amended by the House**, passed as follows:

Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hamlett, Hinkle, Hutton, Jackson, Jent, Jones, Lake, Lewis, Moore, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hawks, Kaufmann, Keane, Larsen, Moss, Mowbray, Murphy, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Paired: Hinkle, Aye; Augare, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 253, **as amended by the House**, passed as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Paired: Hinkle, Aye; Augare, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 295, **as amended by the House**, passed as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tutvedt, Vincent, Vuckovich, Walker, Williams, Wittich, Zinke, Mr. President.
Total 45

Nays: Blewett, Tropila, Van Dyk, Wanzenried, Windy Boy.
Total 5

Paired: Augare, Aye; Blewett, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 326, **as amended by the House**, passed as follows:
Yeas: Augare, Barrett, Blewett, Branae, Brown, Buttrey, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Jones, Kaufmann, Keane, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Ripley, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 38

Nays: Arthun, Balyeat, Brenden, Essmann, Hinkle, Hutton, Jackson, Lake, Priest, Sonju, Tutvedt, Wittich.
Total 12

Paired: Augare, Aye; Hinkle, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 379, **as amended by the House**, passed as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Gallus, Hinkle, Hutton, Jackson, Jones, Keane, Lake, Lewis, Moore, Mowbray, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Mr. President.
Total 28

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gillan, Hamlett, Hawks, Jent, Kaufmann, Larsen, Moss, Murphy, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke.
Total 22

Paired: Keane, Aye; Augare, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 409, **as amended by the House**, passed as follows:
Yeas: Arthun, Balyeat, Barrett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 47

Nays: Blewett, Van Dyk.
Total 2

Absent or not voting: None.
Total 0

Excused: Augare.
Total 1

SB 417, **as amended by the House**, passed as follows:
Yeas: Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Ripley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 43

Nays: Arthun, Essmann, Priest, Shockley, Vincent, Wittich.
Total 6

Absent or not voting: None.
Total 0

Excused: Augare.
Total 1

HB 211 failed as follows:
Yeas: Augare, Branae, Brown, Facey, Gillan, Hawks, Hinkle, Jent, Kaufmann, Larsen, Moss, Stewart-Peregoy, Tutvedt, Vuckovich, Williams.
Total 15

Nays: Arthun, Balyeat, Barrett, Blewett, Brenden, Buttrey, Caferro, Erickson, Essmann, Gallus, Hamlett, Hutton, Jackson, Jones, Keane, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tropila, Van Dyk, Vincent, Walker, Wanzenried, Windy

Boy, Wittich, Zinke, Mr. President.
Total 35

Paired: Augare, Aye; Blewett, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 90, **as amended by the Governor**, concurred in as follows:
Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 44

Nays: Balyeat, Brenden, Hinkle, Hutton, Walker, Wittich.
Total 6

Paired: Augare, Aye; Hinkle, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 559, **as amended by the Governor**, concurred in as follows:
Yeas: Arthun, Balyeat, Barrett, Blewett, Branae, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 47

Nays: Brenden, Tropila.
Total 2

Absent or not voting: None.
Total 0

Excused: Augare.
Total 1

MOTIONS

Senator Essmann moved to appoint a **Free** Conference Committee on **SB 265** and request the House to appoint a like committee. Motion Carried. President Peterson appointed:

4/19/2011

Senator Tutvedt, Chair
Senator Hamlett
Senator Lake

Senator Vincent moved that **HB 198** be taken from Energy and Telecommunications and brought before the Committee of the Whole and placed on second reading on April 19, 2011.

Motion **passed** as follows:
Yeas: Blewett, Brown, Buttrey, Caferro, Erickson, Facey, Gallus, Gillan, Hutton, Jackson, Jent, Kaufmann, Lake, Larsen, Lewis, Mowbray, Murphy, Olson, Sonju, Steinbeisser, Tutvedt, Vincent, Vuckovich, Williams, Zinke, Mr. President.
Total 26

Nays: Arthun, Balyeat, Barrett, Branae, Brenden, Essmann, Hamlett, Hawks, Hinkle, Jones, Keane, Moore, Moss, Priest, Ripley, Shockley, Stewart-Peregoy, Tropila, Van Dyk, Walker, Wanzenried, Windy Boy, Wittich.
Total 23

Absent or not voting: None.
Total 0

Excused: Augare.
Total 1

Senator Blewett moved that **HB 14** be taken from Judiciary and brought before the Committee of the Whole and placed on second reading on April 20, 2011.

Motion **failed** as follows:
Yeas: Blewett, Branae, Erickson, Facey, Gillan, Hawks, Kaufmann, Keane, Larsen, Moss, Shockley, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams.
Total 16

Nays: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Caferro, Essmann, Gallus, Hamlett, Hinkle, Hutton, Jackson, Jent, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Sonju, Steinbeisser, Stewart-Peregoy, Tutvedt, Vincent, Walker, Windy Boy, Wittich, Zinke, Mr. President.
Total 33

Absent or not voting: None.
Total 0

Excused: Augare.
Total 1

Senator Balyeat moved to change his vote on **SB 326** from Yes to No. Without objection, so ordered.

Senator Shockley moved to change his vote on **SB 253** from No to Yes. Without objection, so ordered.

SPECIAL ORDERS OF THE DAY

Senator Jones moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 20**. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Augare.
Total 1

Senator Olson moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 23**. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Augare.
Total 1

MOTIONS

Senator Steinbeisser moved to change his vote on **SB 253** from No to Yes. Without objection, so ordered.

Senator Gillan rose on a point of parliamentary procedure and reminded the Senate that all caucus meetings must be open to the public.

Senator Essmann moved the Senate recess until 1:00 p.m. Motion carried.

Senate in recess.

Senate reconvened at 1:04 p.m.

Senator Augare present.

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Balyeat, Chairman): 4/19/2011
HB 563, be concurred in. Report adopted.
HJR 25, be concurred in. Report adopted.

ADVERSE COMMITTEE REPORT

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Balyeat, Chairman): 4/19/2011
SR 18, not be adopted. Adverse Committee Report adopted:

JUDICIARY (Murphy, Chairman): 4/19/2011
HB 627, be amended as follows:

1. Title, line 5.
Strike: "OR INCOMPETENT PERSON"

2. Page 2, line 13 through line 14.
Strike: subsection (4) in its entirety
Renumber: subsequent subsections

3. Page 2, line 19.
Strike: "18"
Insert: "16"

4. Page 2, line 26.
Following: "minor"
Strike: "or an incompetent person"

5. Page 2, line 27.
Following: "minor"
Strike: "or incompetent person"

6. Page 3, line 22.
Following: "minors"
Strike: "and incompetent persons"

7. Page 3, line 24.
Following: "minor"
Strike: "or incompetent person"

8. Page 8, line 12.
Following: line 11
Insert: "COORDINATION SECTION. **Section 14. Coordination instruction.** If both Senate Bill No. 97 and [this act] are passed and approved, then [this act] is void."
Renumber: subsequent sections

9. Page 8, line 19.
Following: "minor"
Strike: "or incompetent person"

10. Page 8, line 21.
Following: "minor"
Strike: "or incompetent person"

And, as amended, be concurred in. Report adopted.

TAXATION (Tutvedt, Chairman): 4/19/2011
HJR 13, be amended as follows:

1. Title, page 1, line 6 through line 7.
Strike: "OR" on line 6 through "SOURCES" on line 7

2. Page 1, line 21 through line 22.
Strike: line 21 through line 22 in their entirety

3. Page 2, line 5.
Strike: "adequacy, efficiency, burden"
Insert: "obligation"

4. Page 2, line 6 through line 7.
Strike: ", costs" on line 6 through "behavior" on line 7

5. Page 2, line 27.
Strike: ";"
Insert: "."

6. Page 2, line 28 through line 30.
Strike: subsection (8) in its entirety

And, as amended, be concurred in. Report adopted.

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE
on **Senate Bill 348**
Report No. 1, April 19, 2011

Mr. President and Mr. Speaker:
We, your Free Conference Committee met and considered **Senate Bill 348** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 348** (reference copy -- salmon) be amended as follows:

1. Title, page 1, line 5.
Strike: "<u>, MONITORING,</u>"

2. Title, page 1, LINE 6.
Following: "~~MCA;~~"
Insert: "AMENDING SECTION 87-5-132, MCA;"

3. Page 2.
Following: line 20
Insert: "Section 1. Section 87-5-132, MCA, is amended to read:

"87-5-132. Use of radio-tracking collars for monitoring wolf packs. (1) As part of a wolf management plan approved by the department, a radio-tracking collar <u>or a collar that uses global positioning system technology</u> must be attached to at least one wolf in each wolf pack that is active near livestock or near a population center in areas where depredations are chronic or likely.

(2) The department ~~shall~~ <u>may</u> expend ~~only the~~ <u>state and</u> federal funds for wolf management purposes to fulfill the requirements of this section.

(3) The department may collaborate and cooperate with other state and federal agencies to fulfill the requirements of this section.""
Renumber: subsequent sections

4. Page 2, line 22 through page 3, line 4.
Strike: "(1)" on page 2, line 22 through "SEASONS." on page 3, line 4
Insert: "(1) The department shall allocate $900,000 annually for wolf management.

(2) For the purposes of this section, the term "management" has the same meaning provided in 87-5-102 and includes:

(a) wolf collaring conducted pursuant to 87-5-132; and

(b) lethal action conducted pursuant to 87-1-217 to take problem wolves that attack livestock.

(3) Not more than 25% of the total funding allocated under this section may be used for administrative costs."
Renumber: subsequent subsections

5. Page 3, line 9.
Strike: "SOME OF"

6. Page 3.
Following: line 9
Insert: "NEW SECTION. **Section 3. Appropriation.** (1) The following money is appropriated to the department of fish, wildlife, and parks from the general license account for the purposes established in [section 1]:

Fiscal year 2012	$274,000
Fiscal year 2013	$274,000

(2) The following money is appropriated to the department of fish, wildlife, and parks from federal funds received from the United States fish and wildlife service for wolf management and the purposes established in [section 1]:

Fiscal year 2012	$626,000
Fiscal year 2013	$626,000

(3) The department may not expend more than 25% of the total appropriation in each fiscal year on administrative costs."
Renumber: subsequent sections

7. Page 3, line 11.
Strike: "[SECTION 1]"
Insert: "[Section 2]"

8. Page 3, line 13.
Strike: "[SECTION 1]"
Insert: "[section 2]"

For the Senate:

Debby Barrett, Chair
Hamlett

For the House:

K. Peterson, Vice Chair
Connell
Phillips

CONFERENCE COMMITTEE
on House Amendments to **Senate Bill 97**
Report No. 1, April 19, 2011

Mr. President and Mr. Speaker:
We, your Conference Committee met and considered House amendments to **Senate Bill 97** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Bill 97** (reference copy -- salmon) be amended as follows:

1. Title, line 6.
Strike: "18"
Insert: "16"

2. Page 2, line 18.
Strike: "18"
Insert: "16"

3. Page 3, line 23.
Strike: "OR JUSTICE'S"

4. Page 3, line 26 through line 27.
Strike: "OR JUSTICE'S"

5. Page 4, line 21.
Strike: "OR JUSTICE'S"

For the Senate:

Essmann, Chair
Shockley

For the House:

K. Peterson, Vice Chair
Bangerter

MESSAGES FROM THE GOVERNOR

April 18, 2011

The Honorable Jim Peterson
President of the Senate
State Capitol
Helena, Montana 59620

Dear Senator Peterson:

Please be informed that I have signed **Senate Bill 140** sponsored by Senator Erickson, **Senate Bill 179** sponsored by Senator Wittich, **Senate Bill 180** sponsored by Senator Sonju, **Senate Bill 184** sponsored by Senator Van Dyk, **Senate Bill 213** sponsored by Senator Vuckovich, **Senate Bill 304** sponsored by Senator Shockley, and **Senate Bill 320** sponsored by Senator Jones on April 18, 2011. In addition, **Senate Bill 89** was returned to the Secretary of State without signature.

Sincerely,

BRIAN SCHWEITZER
Governor

MESSAGES FROM THE OTHER HOUSE

Senate bill not concurred in and returned to the Senate: 4/18/2011

SB 303, introduced by Brenden

Senate joint resolution not concurred in and returned to the Senate: 4/18/2011

SJR 21, introduced by J. Peterson

House joint resolution passed and transmitted to the Senate for concurrence: 4/19/2011

HJR 33, introduced by MacLaren

Senate amendments to House bills concurred in: 4/19/2011

HB 106, introduced by Lavin
HB 111, introduced by Stahl
HB 152, introduced by Washburn
HB 167, introduced by Regier
HB 172, introduced by Washburn
HB 249, introduced by Fitzpatrick

HB 265, introduced by Vance
HB 405, introduced by Taylor
HB 408, introduced by C. Smith
HB 414, introduced by Harris
HB 460, introduced by K. Peterson
HB 530, introduced by Washburn
HB 543, introduced by Fitzpatrick

Conference Committee Report No.1 adopted: 4/19/2011

SB 153, introduced by Jent
SB 221, introduced by Gillan

Governor's amendments to **House bill not** concurred in and transmitted to the Senate for consideration of the Governor's amendments:

4/19/2011

HB 416, introduced by Klock

SB 265 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following **Free** Conference Committee to meet with a like committee from the Senate to confer on **SB 265:**

4/19/2011

Representative Blasdel, Vice Chair
Representative Lavin
Representative Williams

FIRST READING AND COMMITMENT OF BILLS

The following House joint resolution was introduced, read first time, and referred to committee:

HJR 33, introduced by MacLaren, McGillvray, Milburn, J. Peterson, Tutvedt, referred to Business, Labor, and Economic Affairs.

MOTIONS

Senator Essmann moved the Conference Committee on **HB 122** be dissolved and that a **Free** Conference Committee be appointed. Motion Carried. President Peterson appointed:

4/19/2011

Senator Balyeat, Chair
Senator Jent
Senator Shockley

Senator Essmann moved the Conference Committee on **HB 612** be dissolved and that a **Free** Conference Committee be appointed. Motion Carried. President Peterson appointed:

4/19/2011

Senator Lewis, Chair
Senator Hamlett
Senator Priest

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Essmann moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Sonju in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 526 - Senator Priest moved **HB 526** be concurred in. Motion carried as follows:

Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Caferro, Essmann, Gallus, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 30

Nays: Augare, Blewett, Branae, Erickson, Facey, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 126 - **Conference Committee Report No. 1** - Senator Brown moved the Conference Committee report to **SB 126** be adopted. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 229 - Senator Sonju moved consideration of **SB 229** be placed at the bottom of the second reading board. Motion carried.

SB 305 - **Governor's Amendments** - Senator Jackson moved Governor's amendments to **SB 305** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Blewett, Branae, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Lewis, Moss, Mowbray, Murphy, Olson, Shockley, Sonju, Steinbeisser, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Zinke, Mr. President.
Total 38

Nays: Balyeat, Barrett, Brenden, Hinkle, Larsen, Moore, Priest, Ripley, Stewart-Peregoy, Walker, Windy Boy, Wittich.
Total 12

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 372 - **House Amendments** - Senator Tutvedt moved House amendments to **SB 372** not be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Brenden, Brown, Buttrey, Caferro, Essmann, Gallus, Hamlett, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 33

Nays: Blewett, Branae, Erickson, Facey, Gillan, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 17

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 198 - Senator Olson moved **HB 198** be concurred in.

Senator Wittich expressed a conflict of interest.

Senator Peterson expressed a conflict of interest.

HB 198 - Senator Wittich moved **HB 198**, second reading copy, be amended as follows:

1. Title, line 7 through line 9.
Strike: "CLARIFYING" on line 7 through "DOMAIN;" on line 8
Following: "DATE" on line 8
Strike: "AND" on line 8 through "DATE" on line 9

2. Page 1, line 20 through line 23.
Strike: section 2 in its entirety
Renumber: subsequent sections

3. Page 1, line 28.
Strike: "(1)"

4. Page 1, line 30 through page 2, line 1.
Strike: subsection (2) in its entirety

5. Page 2, line 9 through line 10.
Strike: section 6 in its entirety

Amendment **not** adopted as follows:
Yeas: Augare, Balyeat, Barrett, Brenden, Essmann, Hinkle, Moore, Moss, Priest, Ripley, Sonju, Stewart-Peregoy, Tropila, Walker, Wanzenried, Windy Boy, Wittich.
Total 17

Nays: Arthun, Blewett, Branae, Brown, Buttrey, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Mowbray, Murphy, Olson, Shockley, Steinbeisser, Tutvedt, Van Dyk, Vincent, Vuckovich, Williams, Zinke, Mr. President.
Total 33

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 198 - Senator Wittich moved **HB 198**, second reading copy, be amended as follows:

1. Page 2, line 3 through line 5.
Strike: section 4 in its entirety
Renumber: subsequent sections

Amendment **not** adopted as follows:
Yeas: Balyeat, Barrett, Brenden, Essmann, Hinkle, Moore, Priest, Ripley, Stewart-Peregoy, Tropila, Walker, Wanzenried, Windy Boy, Wittich.
Total 14

Nays: Arthun, Augare, Blewett, Branae, Brown, Buttrey, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moss, Mowbray, Murphy, Olson, Shockley, Sonju, Steinbeisser, Tutvedt, Van Dyk, Vincent, Vuckovich, Williams, Zinke, Mr. President.
Total 36

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 198 - Senator Ripley made a **substitute motion** that consideration of **HB 198** be passed for the day. Motion failed as follows:
Yeas: Augare, Balyeat, Barrett, Brenden, Essmann, Hinkle, Moore, Moss, Priest, Ripley, Sonju, Stewart-Peregoy, Tropila, Walker, Wanzenried, Windy Boy, Wittich.
Total 17

Nays: Arthun, Blewett, Branae, Brown, Buttrey, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Mowbray, Murphy, Olson, Shockley, Steinbeisser, Tutvedt, Van Dyk, Vincent, Vuckovich, Williams, Zinke, Mr. President.
Total 33

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 198 - Thereupon, the Senate reverted to the original motion of Senator Olson which passed as follows:
Yeas: Blewett, Branae, Buttrey, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jackson, Jent, Kaufmann, Keane, Lake, Larsen, Lewis, Mowbray, Murphy, Olson, Shockley, Tutvedt, Van Dyk, Vincent, Vuckovich, Williams, Zinke, Mr. President.
Total 28

Nays: Arthun, Augare, Balyeat, Barrett, Brenden, Brown, Essmann, Hinkle, Hutton, Jones, Moore, Moss, Priest, Ripley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Walker, Wanzenried, Windy Boy, Wittich.

Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Gallus assumed the chair.

SB 229 - **Governor's Amendments** - Senator Sonju moved Governor's amendments to **SB 229 not** be concurred in. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Essmann moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Peterson in the chair. Chairman Sonju moved the Committee of the Whole report be adopted. Report adopted as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Williams, Wittich, Zinke, Mr. President.
Total 47

Nays: Priest, Wanzenried, Windy Boy.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

MOTIONS

Senator Balyeat moved to reconsider the third reading action on **SB 426** and that **SB 426** be placed on second reading on April 20, 2011. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Essmann moved **SB 356** be placed on second reading on April 20, 2011. Without objection, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by committee chairs.

Majority Leader Essmann moved that the Senate adjourn until 8:00 a.m., Wednesday, April 20, 2011. Motion carried.

Senate adjourned at 3:55 a.m.

MARILYN MILLER
Secretary of the Senate

JIM PETERSON
President of the Senate

SENATE JOURNAL
62ND LEGISLATURE
EIGHTY-FIFTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
April 20, 2011 — State Capitol

Senate convened at 8:00 a.m. President Peterson presiding. Invocation by Chaplain Keith Johnson. Pledge of Allegiance to the Flag. Roll Call. All members present, except Senator Gillan, excused. Quorum present.

Senator Essmann announced the Republicans would caucus.

Senator Williams announced the Democrats would caucus.

Senate in recess.

Senate reconvened.

Senator Gillan present.

BILLS AND JOURNALS: 4/19/2011

Signed by the President at 10:10 a.m., April 19, 2011: **SB 29**, **SB 42**, **SB 100**, **SB 172**, **SB 385**, **SB 415**, **SJR 4**.
Signed by the Secretary of the Senate at 5:00 p.m., April 19, 2011: **SB 29**, **SB 42**, **SB 100**, **SB 172**, **SB 385**, **SB 415**, **SJR 4**.
Signed by the President at 5:35 p.m., April 18, 2011: **SR 4**, **SR 16**, **SR 17**, **SR 24**, **SR 30**.
Signed by the Secretary of the Senate at 3:25 p.m., April 13, 2011: **SR 4**, **SR 16**, **SR 17**, **SR 24**, **SR 30**.
Signed by the President at 10:30 a.m., April 19, 2011: **SB 412**, **SB 420**.
Signed by the Secretary of the Senate at 11:50 a.m., April 18, 2011: **SB 412**, **SB 420**.
Signed by the President at 5:50 p.m., April 18, 2011: **SB 1**, **SB 59**.
Signed by the Secretary of the Senate at 5:00 p.m., April 12, 2011: **SB 1**, **SB 59**.
Signed by the President at 5:45 p.m., April 18, 2011: **SB 16**, **SB 75**, **SB 81**, **SB 195**, **SB 234**, **SB 238**, **SB 319**, **SB 358**, **SJR 8**, **SR 6**, **SR 13**, **SR 21**, **SR 22**, **SR 27**.
Signed by the Secretary of the Senate at 12:35 p.m., April 13, 2011: **SB 16**, **SB 75**, **SB 81**, **SB 195**, **SB 234**, **SB 238**, **SB 319**, **SB 358**, **SJR 8**, **SR 6**, **SR 13**, **SR 21**, **SR 22**, **SR 27**.
Delivered to the Governor for approval at 4:25 p.m., April 19, 2011: **SB 1**, **SB 16**, **SB 59**, **SB 75**, **SB 81**, **SB 195**, **SB 234**, **SB 238**, **SB 319**, **SB 358**.
Signed by the Speaker at 1:50 p.m., April 19, 2011: **SB 1**, **SB 16**, **SB 59**, **SB 75**, **SB 81**, **SB 195**, **SB 234**, **SB 238**, **SB 319**, **SB 358**, **SJR 8**.
Signed by the President at 5:40 p.m., April 18, 2011: **SR 28**, **SR 31**.
Signed by the Secretary of the Senate at 4:15 p.m., April 13, 2011: **SR 28**, **SR 31**.
Correctly printed: **HB 198**, **HB 526**, **HB 563**, **HJR 25**. April 20, 2011
Correctly engrossed: **SR 18**, **HB 627**, **HJR 13**.
Correctly enrolled: **SB 132**, **SB 143**, **SB 198**, **SB 225**, **SB 354**, **SJR 17**, **SJR 18**, **SR 20**, **SR 23**.

Delivered to the Secretary of State at 4:19 p.m., April 19, 2011: **SJR 8**, **SR 4**, **SR 6**, **SR 13**, **SR 16**, **SR 17**, **SR 19**, **SR 21**, **SR 22**, **SR 24**, **SR 27**, **SR 28**, **SR 30**, **SR 31**.
Correctly engrossed: **SR 14**, **SR 15**.
Correctly enrolled: **SB 187**, **SB 253**, **SB 294**, **SB 295**, **SB 326**, **SB 351**, **SB 379**, **SB 409**, **SB 417**.
Signed by the Speaker at 8:34 a.m., April 20, 2011: **SB 29**, **SB 42**, **SB 100**, **SB 172**, **SB 385**, **SB 412**, **SB 415**, **SB 420**, **SJR 4**.
Delivered to the Governor for approval at 12:05 p.m., April 20, 2011: **SB 29**, **SB 42**, **SB 100**, **SB 172**, **SB 385**, **SB 412**, **SB 415**, **SB 420**.
Examined by the sponsor and found to be correct: **SB 132**, **SB 143**, **SB 198**, **SB 225**, **SB 354**, **SJR 17**, **SJR 18**, **SR 20**, **SR 23**.
Delivered to the Secretary of State at 12:31 p.m., April 20, 2011: **SJR 4**.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 198 concurred in as follows:
Yeas: Blewett, Branae, Buttrey, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jackson, Jent, Kaufmann, Keane, Lake, Larsen, Lewis, Mowbray, Murphy, Olson, Shockley, Tutvedt, Van Dyk, Vincent, Vuckovich, Williams, Zinke, Mr. President.
Total 28

Nays: Arthun, Augare, Balyeat, Barrett, Brenden, Brown, Essmann, Hinkle, Hutton, Jones, Moore, Moss, Priest, Ripley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Walker, Wanzenried, Windy Boy, Wittich.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 526 concurred in as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Caferro, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 29

Nays: Augare, Blewett, Branae, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HJR 8 concurred in as follows:
Yeas: Augare, Blewett, Branae, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moss, Mowbray, Murphy, Olson, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 37

Nays: Arthun, Balyeat, Barrett, Brenden, Hinkle, Moore, Priest, Ripley, Shockley, Sonju, Steinbeisser, Walker, Wittich.
Total 13

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 11, **as amended by the Governor**, passed as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 126, **Conference Committee Report No. 1**, adopted as follows:
Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Murphy, Olson, Priest, Ripley, Steinbeisser, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Mr. President.

Total 38

Nays: Balyeat, Essmann, Hinkle, Jackson, Mowbray, Shockley, Sonju, Tutvedt, Vincent, Walker, Wittich, Zinke.
Total 12

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 305, **as amended by the Governor**, **failed** as follows:
Yeas: Arthun, Balyeat, Blewett, Brown, Buttrey, Essmann, Hamlett, Hawks, Hutton, Jackson, Jones, Lake, Lewis, Mowbray, Murphy, Olson, Sonju, Tutvedt, Vuckovich, Wanzenried, Wittich, Zinke, Mr. President.
Total 23

Nays: Augare, Barrett, Branae, Brenden, Caferro, Erickson, Facey, Gallus, Gillan, Hinkle, Jent, Kaufmann, Keane, Larsen, Moore, Moss, Priest, Ripley, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Van Dyk, Vincent, Walker, Williams, Windy Boy.
Total 27

Absent or not voting: None.
Total 0

Excused: None.
Total 0

REPORTS OF STANDING COMMITTEES

FISH AND GAME (Brenden, Chairman): 4/20/2011
SR 15, be adopted. Report adopted.
HJR 32, be concurred in. Report adopted.

ADVERSE COMMITTEE REPORT

FISH AND GAME (Brenden, Chairman): 4/19/2011
SR 14, do not adopt. Adverse Committee Report adopted.

LOCAL GOVERNMENT (Sonju, Chairman): 4/20/2011
HJR 39, be concurred in. Report adopted.

MOTIONS

Senator Essmann moved to appoint a **Free** Conference Committee on **SB 372** and request the House to appoint a like committee. Motion Carried. President Peterson appointed:

4/20/2011

Senator Tutvedt, Chair
Senator Gillan
Senator Lake

Senator Larsen moved **SB 305** be **indefinitely postponed**.

Senator Jackson made a substitute motion to reconsider the third reading action on **SB 305** and that **SB 305** be placed on third reading the next legislative day. Motion carried as follows:
Yeas: Arthun, Balyeat, Brenden, Brown, Buttrey, Essmann, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tutvedt, Vincent, Walker, Wanzenried, Windy Boy, Wittich, Zinke, Mr. President.
Total 32

Nays: Augare, Barrett, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Jent, Kaufmann, Keane, Larsen, Moss, Tropila, Van Dyk, Vuckovich, Williams.
Total 18

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Facey moved to pass consideration on **SR 18** until a day to be determined by the President. Without objection, so ordered.

Senator Tutvedt moved to pass consideration on **SB 428** until a day uncertain. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tutvedt, Vincent, Walker, Windy Boy, Wittich, Mr. President.
Total 29

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Zinke.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Erickson rose on a point of personal privilege and apologized for comments he had made to his caucus.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Essmann moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Buttrey in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 338 - **Conference Committee Report No. 1** - Senator Brown moved the Conference Committee report to **SB 338** be adopted. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Caferro, Essmann, Facey, Gallus, Hamlett, Hinkle, Hutton, Jackson, Jent, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tutvedt, Vincent, Walker, Windy Boy, Wittich, Zinke, Mr. President.
Total 35

Nays: Augare, Blewett, Branae, Erickson, Gillan, Hawks, Kaufmann, Keane, Larsen, Moss, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams.
Total 15

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 593 - **Conference Committee Report No. 1** - Senator Olson moved the Conference Committee report to **HB 593** be adopted. Motion **failed** as follows:
Yeas: Arthun, Barrett, Brenden, Brown, Buttrey, Gallus, Jackson, Jones, Keane, Lake, Lewis, Moore, Murphy, Olson, Ripley, Steinbeisser, Tutvedt, Vincent, Walker, Mr. President.
Total 20

Nays: Augare, Balyeat, Blewett, Branae, Caferro, Erickson, Essmann, Facey, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jent, Kaufmann, Larsen, Moss, Mowbray, Priest, Shockley, Sonju, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Wittich, Zinke.
Total 30

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 356 - **Governor's Amendments** - Senator Hamlett moved Governor's amendments to **SB 356** be concurred in. Motion **failed** as follows:
Yeas: Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams.
Total 19

Nays: Arthun, Augare, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tutvedt, Vincent, Walker, Windy Boy, Wittich, Zinke, Mr. President.
Total 31

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 426 - **House Amendments** - Senator Balyeat moved House amendments to **SB 426** be **not** concurred in. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 27

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 23

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Essmann moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Peterson in the chair. Chairman Buttrey moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tropila, Tutvedt, Van Dyk, Vincent, Walker, Williams, Wittich, Zinke, Mr. President.
Total 40

Nays: Blewett, Branae, Gillan, Hamlett, Hawks, Moss, Stewart-Peregoy, Vuckovich, Wanzenried, Windy Boy.
Total 10

Absent or not voting: None.
Total 0

Excused: None.
Total 0

MOTIONS

Senator Essmann moved to appoint a **Free** Conference Committee on **SB 426** and request the House to appoint a like committee. Motion Carried. President Peterson appointed:

4/20/2011

Senator Balyeat, Chair
Senator Hamlett
Senator Lake

Senator Kaufmann moved to reconsider the action to postpone **SB 428** to a date uncertain. Motion **failed** as follows:

Yeas: Augare, Blewett, Branae, Buttrey, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Priest, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Zinke.
Total 23

Nays: Arthun, Balyeat, Barrett, Brenden, Brown, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tutvedt, Vincent, Walker, Windy Boy, Wittich, Mr. President.
Total 27

Absent or not voting: None.
Total 0

Excused: None.
Total 0

ANNOUNCEMENTS

Committee meetings were announced by committee chairs.

Senator Essmann moved the Senate recess until 1:00 p.m. Motion carried.

Senate in recess.

Senate reconvened at 1:00 p.m.

SPECIAL ORDERS OF THE DAY

Senator Zinke introduced Lieutenant Colonel Radcliff, an original member of the 1st Special Force Service, whose gallantry of service includes six Bronze Stars, three Purple Hearts, and a Silver Star.

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE
on **Senate Bill 423**
Report No. 2, April 20, 2011

Mr. President and Mr. Speaker:
We, your Free Conference Committee met and considered **Senate Bill 423** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 423** (reference copy -- salmon) be amended as follows:

1. Title, page 1, line 8.
Following: "INDIVIDUALS;"
Insert: "REQUIRING REPORTING; ALLOWING INSPECTIONS; REQUIRING LEGISLATIVE MONITORING;"

2. Title, page 1, line 12.
Following: "45-9-203,"
Insert: "46-18-202, 50-46-201, 50-46-202,"

3. Page 1, line 16 through line 22.
Strike: "WHEREAS," on line 16 through "ACT." on line 22

4. Page 1, line 28.
Strike: "17"
Insert: "23"

5. Page 1, line 30.
Strike: "17"
Insert: "23"

6. Page 2, line 4.
Strike: "17"
Insert: "23"
Strike: "and"

7. Page 2.
Following: line 4
Insert: "(c) allow individuals to assist a limited number of registered cardholders with the cultivation and manufacture of marijuana or marijuana-infused products;
(d) establish reporting requirements for production of marijuana and marijuana-infused products and inspection requirements for premises; and"
Renumber: subsequent subsection

8. Page 2, line 8.
Strike: "17"
Insert: "23"

9. Page 2.
Following: line 9
Insert: "(1) "Correctional facility or program" means a facility or program that is described in 53-1-202 and to which a person may be ordered by any court of competent jurisdiction."
Renumber: subsequent subsections

10. Page 2, line 10 through line 11.
Following: "means" on line 10
Insert: ":"
Strike: "a medical " on line 10 through "the condition" on line 11
Insert: "(a) cancer, glaucoma, positive status for human immunodeficiency virus, or acquired immune deficiency syndrome when the condition or disease results in symptoms that seriously and adversely affect the patient's health status;
(b) cachexia or wasting syndrome;
(c) severe chronic pain that is persistent pain of severe intensity that significantly interferes with daily activities as documented by the patient's treating physician and by:
(i) objective proof of the etiology of the pain, including diagnostic tests that may include but are not limited to the results of an x-ray, computerized tomography scan, or magnetic resonance imaging; or
(ii) confirmation of that diagnosis from a second physician who is independent of the treating physician and who conducts a physical examination;
(d) intractable nausea or vomiting;
(e) epilepsy or an intractable seizure disorder;
(f) multiple sclerosis;

(g) Crohn's disease;
(h) painful peripheral neuropathy;
(i) a central nervous system disorder resulting in chronic, painful spasticity or muscle spasms;
(j) admittance into hospice care in accordance with rules adopted by the department; or
(k) any other medical condition or treatment for a medical condition approved by the legislature"
Renumber: subsequent subsections

11. Page 2.
Following: line 14
Insert: "(6) (a) "Marijuana-infused product" means a product that contains marijuana and is intended for use by a registered cardholder by a means other than smoking.
(b) The term includes but is not limited to edible products, ointments, and tinctures.
(7) (a) "Marijuana-infused products provider" means a Montana resident who meets the requirements of [sections 1 through 23] and who has applied for and received a registry identification card to manufacture and provide marijuana-infused products for a registered cardholder.
(b) The term does not include the cardholder's treating or referral physician."
Renumber: subsequent subsections

12. Page 2, line 17 through line 18.
Strike: subsection (7) in its entirety
Renumber: subsequent subsections

13. Page 2, line 20.
Strike: "cultivate," through "use by"
Insert: "assist"
Following: "cardholder"
Insert: "as allowed under [sections 1 through 23]"

14. Page 2, line 21.
Following: "cardholder's"
Insert: "treating physician or referral"

15. Page 2.
Following: line 21
Insert: "(11) "Referral physician" means a person who:
(a) is licensed under Title 37, chapter 3;
(b) has an established office in Montana; and
(c) is the physician to whom a patient's treating physician has referred the patient for physical examination and medical assessment."
Renumber: subsequent subsections

16. Page 2.
Following: line 23
Insert: "(13) "Registered premises" means the location at which a registered cardholder, provider, or marijuana-infused products provider has indicated the person will cultivate or manufacture marijuana for a registered cardholder."
Renumber: subsequent subsections

17. Page 2, line 25.
Strike: "or"
Insert: ","
Following: "provider"
Insert: ", or marijuana-infused products provider"

18. Page 2, line 27.
Strike: "17"
Insert: "23"

19. Page 2.
Following: line 29
Insert: "(16) "Second degree of kinship by blood or marriage" means a mother, father, brother, sister, son, daughter, spouse, grandparent, grandchild, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandparent-in-law, grandchild-in-law, stepfather, stepmother, stepbrother, stepsister, stepson, stepdaughter, stepgrandparent, or stepgrandchild."

20. Page 3, line 2.
Following: "means"
Strike: "the standard" through "examiners"
Insert: ", at a minimum, the following activities when undertaken by a patient's treating physician or referral physician if the treating physician or referral physician is providing written certification for a patient with a debilitating medical condition:
(a) obtaining the patient's medical history;
(b) performing a relevant physical examination;
(c) reviewing prior treatment and treatment response for the debilitating medical condition;
(d) obtaining and reviewing relevant diagnostic test results related to the debilitating medical condition;
(e) discussing with the patient and ensuring that the patient understands the advantages, disadvantages, alternatives, potential adverse effects, and expected response to the recommended treatment;
(f) monitoring the response to treatment and possible adverse effects; and
(g) creating and maintaining patient records that remain with the physician"

21. Page 3.
Following: line 2
Insert: "(19) "Treating physician" means a person who:
(a) is licensed under Title 37, chapter 3;
(b) has an established office in Montana; and
(c) has a bona fide professional relationship with the person applying to be a registered cardholder."
Renumber: subsequent subsections

22. Page 3, line 7.
Following: "physician"
Insert: "or referral physician"

23. Page 3, line 8.
Strike: "6"
Insert: "7"

24. Page 3, line 14.
Strike: "17"
Insert: "23"

25. Page 3, line 15.
Following: "providers"
Insert: "or marijuana-infused products providers"

26. Page 3, line 18.
Strike: "17"
Insert: "23"

27. Page 3, line 20.
Following: "provider"
Insert: "or marijuana-infused products provider"

28. Page 3, line 21.
Strike: "17"
Insert: "23"

29. Page 3, line 25.
Following: "provider"
Insert: "or marijuana-infused products provider"

30. Page 3, line 28.
Strike: "or for"
Insert: ","
Following: "provider"

Insert: ", or a marijuana-infused products provider"

31. Page 4, line 2.
Strike: "17"
Insert: "23"
Strike: "15"
Insert: "30"

32. Page 4, line 4.
Strike: "15"
Insert: "5"

33. Page 4.
Following: line 5
Insert: "(5) Rejection of an application or renewal is considered a final department action, subject to judicial review."
Renumber: subsequent subsections

34. Page 4, line 13.
Strike: "(8)"
Insert: "(9)"

35. Page 4, line 6.
Following: "(5)"
Insert: "(a)"
Following: "unless"
Insert: ": (i) a physician has provided a written certification stating that a card is valid for a shorter period of time; or
(ii)"

36. Page 4, line 7.
Following: "providers"
Insert: "or marijuana-infused products providers"
Following: "providers."
Insert: "(b)"
Following: "provider's"
Insert: "or marijuana-infused products provider's"

37. Page 4, line 8.
Following: "provider"
Insert: "or new marijuana-infused products provider"

38. Page 4, line 10.
Following: "physician"
Strike: "or"

Following: "provider"
Insert: ", or marijuana-infused products provider"

39. Page 4, line 19.
Strike: "and"
Insert: ","
Following: "providers"
Insert: ", and marijuana-infused products providers"

40. Page 4, line 20.
Following: "cardholders"
Strike: "or"
Insert: ","
Following: "providers"
Insert: ", or marijuana-infused products providers"
Strike: "live"
Insert: "are located"

41. Page 4, line 21.
Strike: "14"
Insert: "17"

42. Page 4, line 28.
Following: "providers"
Insert: "and marijuana-infused products providers"

43. Page 5, line 1.
Strike: "or"
Insert: ","
Following: "physicians"
Insert: ", providers, or marijuana-infused products providers"

44. Page 5, line 2.
Insert: "(12) The board of medical examiners shall report annually to the legislature on:

(a) the number and types of complaints the board has received involving physician practices in providing written certification for the use of marijuana, pursuant to 37-3-203; and

(b) the number of physicians whose names were provided to the board by the department as required under subsection (10). The report must include information on whether a physician whose practices were reviewed by the board pursuant to subsection (10) met the standard of care when providing written certifications."

45. Page 5, line 12.
Following: "provider"
Insert: "or a marijuana-infused products provider"

46. Page 5.
Following: line 12
Insert: "(f) a statement, on a form prescribed by the department, that the person will not divert to any other person the marijuana that the person cultivates, manufactures, or obtains for the person's debilitating medical condition;"
Renumber: subsequent subsections

47. Page 5, line 13.
Following: "physician"
Insert: "or referral physician"

48. Page 5, line 17.
Following: "provider"
Insert: "or marijuana-infused products provider"

49. Page 5, line 19.
Strike: "a statement"
Insert: "the written certification and accompanying statements"
Following: "physician"
Insert: "or referral physician"
Strike: "6"
Insert: "7"

50. Page 5, line 21.
Strike: "(2)"
Insert: "(1)"

51. Page 5, line 22.
Following: "decisions"
Insert: ": (a) provides proof of legal guardianship and responsibility for health care decisions if the person is submitting an application as the minor's legal guardian with responsibility for health care decisions; and
(b)"

52. Page 5, line 23.
Strike: "(a)"
Insert: "(i)"
Following: "minor's"
Insert: "treating"
Following: "physician"
Insert: "or referral physician"
Renumber: subsequent subsections

53. Page 5, line 26.
Strike: "(i)"

Insert: "(A)"
Renumber: subsequent subsections

54. Page 5, line 27.
Following: "minor's"
Insert: "marijuana-infused products"

55. Page 5, line 29.
Strike: "and"

56. Page 5.
Following: line 29
Insert: "(D) agrees that the minor will use only marijuana-infused products and will not smoke marijuana;"

57. Page 5, line 30.
Strike: "(iv)"
Insert: "(c)"
Strike: "undergoes a name-based"
Insert: "submits fingerprints to facilitate a fingerprint and"
Following: "check"
Insert: "by the department of justice and federal bureau of investigation"

58. Page 6, line 1.
Following: "check"
Insert: "and may not obtain a registry identification card as a marijuana-infused products provider if the parent or legal guardian does not meet the requirements of [section 5].
(d) pledges, on a form prescribed by the department, not to divert to any person any marijuana cultivated or manufactured for the minor's use in a marijuana-infused product"

59. Page 6, line 3 through line 5.
Following: "~~or~~" on line 3
Strike: "<u>,</u>"
Insert: "or"
Following: "court" on line 3
Strike: "<u>, A DISTRICT COURT</u>" through "<u>PROGRAM</u>" on line 5

60. Page 6, line 6.
Following: "provider"
Insert: "or marijuana-infused products provider"

61. Page 6, line 7.
Following: "use"
Insert: "unless the registered cardholder is the provider or marijuana-infused products provider"

62. Page 6, line 8.
Strike: "9"
Insert: "10"

63. Page 6, line 12.
Following: "provider"
Strike: "or to"
Insert: ", a marijuana-infused products provider, or"

64. Page 6, line 16.
Strike: "**Providers**"
Insert: "**Provider types**"
Following: "**limitations**"
Insert: "**-- activities**"

65. Page 6, line 17.
Following: "card to"
Insert: "or renew a card for"
Following: "provider"
Insert: "or marijuana-infused products provider"

66. Page 6, line 23.
Following: "cardholder"
Insert: "that indicates whether the person will act as the cardholder's provider or marijuana-infused products provider"

67. Page 6.
Following: line 23
Insert: "(e) a statement, on a form prescribed by the department, that the person will not divert to any other person the marijuana that the person cultivates or manufactures for a registered cardholder;"
Renumber: subsequent subsections

68. Page 6, line 24.
Strike: "indicating whether"
Insert: "acknowledging that"

69. Page 6, line 25.
Following: "at"
Strike: "a property" through "; and"
Insert: "only one location as provided in subsection (7). The location must be identified by street address."

70. Page 6, line 28.
Strike: "as a provider"

Insert: "under this section"

71. Page 6, line 30 through page 7, line 2.
Following: "court" on page 6, line 30
Strike: ", A" through "PROGRAM" on page 7, line 2

72. Page 7.
Following: line 2
Insert: "(c) has been convicted of a violation under [section 16];"
Renumber: subsequent subsection

73. Page 7, line 8.
Following: "agency"
Insert: "; or (e) is a registered cardholder who has designated a provider or marijuana-infused products provider in the person's application for a card issued under [section 4]"

74. Page 7, line 9 through line 11.
Following: "(3)" on line 9
Insert: "(a)"
Following: the first "provider"
Insert: "or marijuana-infused products provider"
Strike: "only one" on line 9 through "marriage" on line 11
Insert: "a maximum of three registered cardholders"

75. Page 7.
Following: line 11
Insert: "(b) If the provider or marijuana-infused products provider is a registered cardholder, the provider or marijuana-infused products provider may assist a maximum of two registered cardholders other than the provider or marijuana-infused products provider.
(4) A provider or marijuana-infused products provider may accept reimbursement from a cardholder only for the provider's application or renewal fee for a registry identification card issued under this section."
Renumber: subsequent subsections

76. Page 7, line 12.
Strike: "17"
Insert: "23"

77. Page 7, line 14.
Following: "provider"
Insert: "or marijuana-infused products provider"

78. Page 7, line 15.
Strike: "compensation"
Insert: "anything of value, including monetary remuneration,"

79. Page 7.
Following: line 15
Insert: "(b) buy or sell mature marijuana plants, seedlings, cuttings, clones, usable marijuana, or marijuana-infused products; or"
Renumber: subsequent subsections

80. Page 7, line 16.
Following: "marijuana"
Insert: "unless the person is also a registered cardholder"

81. Page 7, line 17.
Strike: "a"
Following: "registered"
Strike: "cardholder"
Insert: "as both a provider and a marijuana-infused products provider"

82. Page 7, line 18.
Strike: "provider"
Insert: "person registered under this section"
Following: "only at"
Insert: "one of the following locations"

83. Page 7, line 19.
Following: "provider"
Insert: "or marijuana-infused products provider"

84. Page 7, line 20.
Following: "provider"
Insert: "or marijuana-infused products provider"

85. Page 7, line 24.
Following: "provider"
Insert: "or marijuana-infused products provider"

86. Page 7, line 25.
Insert: "NEW SECTION. **Section 6. Marijuana-infused products provider -- requirements -- allowable activities.** (1) An individual registered as a marijuana-infused products provider shall:

(a) prepare marijuana-infused products at a premises registered with the department that is used for the manufacture and preparation of marijuana-infused products; and

(b) use equipment that is used exclusively for the manufacture and preparation of marijuana-infused products.

(2) A marijuana-infused products provider:

(a) may cultivate marijuana only for the purpose of making marijuana-infused products; and

(b) may not provide a cardholder with marijuana in a form that may be used for smoking.

(3) All registered premises on which marijuana-infused products are manufactured must meet any applicable standards set by a local board of health for a food service establishment as defined in 50-50-102.

(4) Marijuana-infused products may not be considered a food or drug for the purposes of Title 50, chapter 31."

Renumber: subsequent sections

87. Page 7, line 26.
Strike: "**Physician statement**"
Insert: "**Written certification -- accompanying statements**"

88. Page 7, line 27.
Following: "must"
Insert: "be made on a form prescribed by the department and signed and dated by the physician. The written certification must"

89. Page 7.
Following: line 27
Insert: "(a) include the physician's name, license number, and office address and telephone number on file with the board of medical examiners and the physician's business e-mail address, if any; and

(b) the name, date of birth, and debilitating medical condition of the person for whom the physician is providing written certification.

(2) A treating physician or referral physician who is providing written certification for a patient shall provide a statement initialed by the physician that must:"

90. Page 7, line 28.
Following: "is"
Insert: ": (i)"

91. Page 7, line 29.
Following: "physician's"
Insert: "ongoing"
Strike: "and supervision"
Insert: "as part of a bona fide professional relationship with the person; or

(ii) the person's referral physician"

92. Page 8.
Following: line 2
Insert: "(d) confirm that the physician has assumed primary responsibility for providing management and routine care of the person's debilitating medical condition after obtaining a comprehensive medical history and conducting a physical examination that included a personal review of any medical records maintained by other physicians and

that may have included the person's reaction and response to conventional medical therapies;"

Renumber: subsequent subsections

93. Page 8.
Following: line 4
Insert: "(g) confirm that the physician has reviewed all prescription and nonprescription medications and supplements used by the person and has considered the potential drug interaction with marijuana;"
Renumber: subsequent subsections

94. Page 8.
Following: line 7
Insert: "(i) confirm that the physician has explained the potential risks and benefits of the use of marijuana to the person;"
Renumber: subsequent subsections

95. Page 8, line 10.
Strike: "and"

96. Page 8, line 12.
Following: "physician"
Insert: "or referral physician"

97. Page 8, line 13.
Strike: "supervise"
Insert: "monitor"
Following: "person's"
Insert: "response to the"
Following: "treatment"
Insert: "; and
(m) contain an attestation that the information provided in the written certification and accompanying statements is true and correct"

98. Page 8, line 18.
Strike: the first "or"
Insert: ","
Following: "provider"
Insert: ", or marijuana-infused products provider"
Strike: "cardholder's or provider's"
Insert: "person's"

99. Page 8, line 24.
Strike: "10"
Insert: "11"

100. Page 8, line 29.
Following: "provider"
Insert: "or marijuana-infused products provider"

101. Page 9, line 1.
Following: "provider"
Insert: "or marijuana-infused products provider"

102. Page 9, line 10
Following: "provider"
Insert: "or marijuana-infused products provider"
Strike: "the amounts allowed under subsection (1)(a)"
Insert: "4 mature plants, 12 seedlings, and 1 ounce of usable marijuana"

103. Page 9, line 12.
Strike: "10"
Insert: "11"

104. Page 9, line 13.
Strike: "17"
Insert: "23"

105. Page 9, line 16.
Strike: "registered cardholder or provider"
Insert: "individual"

106. Page 9, line 26.
Strike: "17"
Insert: "23"

107. Page 9, line 29.
Strike: "17"
Insert: "23"

108. Page 10, line 3.
Strike: "Possession"
Insert: "Except as provided in [section 14], possession"

109. Page 10, line 11.
Insert: "(8) (a) A registered cardholder, a provider, or a marijuana-infused products provider is presumed to be engaged in the use of marijuana as allowed by [sections 1 through 23] if the person:
(i) is in possession of a valid registry identification card; and

(ii) is in possession of an amount of marijuana that does not exceed the amount permitted under [sections 1 through 23].

(b) The presumption may be rebutted by evidence that the possession of marijuana was not for the purpose of alleviating the symptoms or effects of a registered cardholder's debilitating medical condition."

110. Page 10, line 12.
Strike: "17"
Insert: "23"

111. Page 10, line 22.
Strike: "in"
Insert: "when ordered by any court of competent jurisdiction into"
Following: "facility"
Strike: "<u>, INCLUDING ALL FACILITIES DESCRIBED IN 53-1-203</u>"
Insert: "or program"

112. Page 10.
Following: line 22
Insert: "(vii) if a court has imposed restrictions on the cardholder's use pursuant to 46-18-202;"
Renumber: subsequent subsections

113. Page 10, line 25.
Following: "<u>~~or~~</u>"
Insert: "or"

114. Page 10, line 27 through line 30.
Strike: "<u>; OR</u>" on line 27 through "<u>PROGRAM</u>" on line 30

115. Page 11, line 1.
Strike: "or a"
Insert: ","
Following: "provider"
Insert: ", or marijuana-infused products provider"

116. Page 11, line 3.
Following: "hospice"
Insert: "or residential care facility"

117. Page 11, line 5.
Strike: "17"
Insert: "23"

118. Page 11, line 8 through line 9.
Strike: "person with" on line 8 through "condition" on line 9

Insert: "registered cardholder"

119. Page 11, line 13.
Strike: "or a"
Insert: ","
Following: "provider"
Insert: ", or marijuana-infused products provider"

120. Page 11, line 15.
Strike: "17"
Insert: "23"

121. Page 11, line 20.
Strike: "17"
Insert: "23"
Following: "provider"
Insert: "or marijuana-infused products provider"

122. Page 11, line 21.
Following: "provider"
Insert: "or marijuana-infused products provider"

123. Page 11, line 22 through page 23.
Strike: "registered" on line 22 through "provider" on line 23
Insert: "person with a valid registry identification card"

124. Page 11, line 25.
Strike: "3.5"
Insert: "5"

125. Page 11, line 26.
Following: "cardholder"
Strike: "or"
Insert: ","
Following: "provider"
Insert: ", or marijuana-infused products provider"

126. Page 12, line 6.
Insert: "NEW SECTION. **Section 12. Prohibitions on physician affiliation with providers and marijuana-infused products providers -- sanctions.** (1) (a) A physician who provides written certifications may not:

(i) accept or solicit anything of value, including monetary remuneration, from a provider or marijuana-infused products provider;

(ii) offer a discount or any other thing of value to a person who uses or agrees to use a particular provider or marijuana-infused products provider; or

(iii) examine a patient for the purposes of diagnosing a debilitating medical condition at a location where medical marijuana is cultivated or manufactured or where marijuana-infused products are made.

(b) Subsection (1)(a) does not prevent a physician from accepting a fee for providing medical care to a provider or marijuana-infused products provider if the physician charges the person the same fee that the physician charges other patients for providing a similar level of medical care.

(2) If the department has cause to believe that a physician has violated this section, has violated a provision of rules adopted pursuant to this chapter, or has not met the standard of care required under this chapter, the department may refer the matter to the board of medical examiners provided for in 2-15-1731 for review pursuant to 37-1-308.

(3) A violation of this section constitutes unprofessional conduct under 37-1-316. If the board of medical examiners finds that a physician has violated this section, the board shall restrict the physician's authority to provide written certification for the use of marijuana. The board of medical examiners shall notify the department of the sanction.

(4) If the board of medical examiners believes a physician's practices may harm the public health, safety, or welfare, the board may summarily restrict a physician's authority to provide written certification for the medical use of marijuana."

Renumber: subsequent sections

127. Page 12, line 7.
Following: "**regulate.**"
Insert: "(1)"

128. Page 12, line 8.
Following: "provider"
Insert: "or marijuana-infused products provider"

129. Page 12, line 12.
Insert: "(2) A local government may adopt an ordinance or resolution prohibiting providers and marijuana-infused products providers from operating as storefront businesses."

Insert: "NEW SECTION. **Section 14. Inspection procedures.** (1) The department and state or local law enforcement agencies may conduct frequent, unannounced inspections of registered premises.

(2) (a) Each provider and marijuana-infused products provider shall keep a complete set of records necessary to show all transactions with registered cardholders. The records must be open for inspection by the department and state or local law enforcement agencies at any time.

(b) The department may require a provider or marijuana-infused products provider to furnish information that the department considers necessary for the proper administration of [sections 1 through 23].

(3) (a) A registered premises, including any places of storage, where marijuana is cultivated, manufactured, or stored is subject to entry by the department or state or local law enforcement agencies for the purpose of inspection or investigation.

(b) If any part of the registered premises consists of a locked area, the provider or marijuana-infused products provider shall make the area available for inspection without delay

upon request of the department or state or local law enforcement officials.

(4) A provider or marijuana-infused products provider shall maintain records showing the names and registry identification numbers of registered cardholders to whom mature plants, seedlings, usable marijuana, or marijuana-infused products were transferred and the quantities transferred to each cardholder."

Renumber: subsequent sections

130. Page 12, line 16.
Strike: "cardholder's"
Insert: "person's"

131. Page 12, line 18.
Following: "(ii)"
Insert: "mature"
Strike: "or"
Insert: ", seedlings,"
Following: "usable marijuana"
Insert: ", or marijuana-infused products"

132. Page 12, line 19.
Following: "cardholder"
Strike: "or a"
Insert: ","
Following: "provider"
Insert: ", or marijuana-infused products provider"
Strike: "17"
Insert: "23"

133. Page 12, line 21.
Strike: "17"
Insert: "23"

134. Page 12, line 26.
Following: "cardholder"
Strike: "or a"
Insert: ","
Following: "provider"
Insert: ", or marijuana-infused products provider"
Strike: "felony"
Insert: "misdemeanor"
Strike: "the state prison"
Insert: "a county jail"
Following: "for"
Insert: "a term"

135. Page 12, line 27.
Strike: "less than"
Insert: "to exceed"
Strike: "or not more than 5 years"
Strike: "$50,000"
Insert: "$1,000"

136. Page 12, line 28.
Strike: "6"
Insert: "7"

137. Page 12, line 29 and line 30.
Strike: "felony" on line 29
Insert: "misdemeanor"
Strike: "the state prison"
Insert: "a county jail"
Following: "for"
Strike: "not less than"
Insert: "a term not to exceed"
Strike: "or not more" on line 29 through "years" on line 30
Strike: "$50,000"
Insert: "$1,000"

138. Page 12.
Following: line 30
Insert: "(3) A person convicted under this section may not be registered as a provider or marijuana-infused products provider under [section 5]."

139. Page 13, line 2.
Strike: "A"
Insert: "Except as provided in 37-3-203, a"

140. Page 13, line 5.
Strike: "17"
Insert: "23"

141. Page 13, line 10 through line 11.
Strike: "debilitating" on line 11 through "provider" on line 11
Insert: "registry identification card"

142. Page 13, line 14.
Strike: "17"
Insert: "23"

143. Page 13, line 17.
Strike: "17"
Insert: "23"

144. Page 13, line 18.
Following: "possession of"
Insert: "mature"
Following: "plants"
Insert: "or seedlings"

145. Page 13, line 19.
Following: "plants"
Insert: "or seedlings"

146. Page 13, line 20.
Insert: "NEW SECTION. **Section 20. Advertising prohibited.** Persons with valid registry identification cards may not advertise marijuana or marijuana-related products in any medium, including electronic media."
Insert: "NEW SECTION. **Section 21. Hotline.** (1) The department shall create and maintain a hotline to receive reports of suspected abuse of the provisions of [sections 1 through 23].

(2) The department may:

(a) investigate reports of suspected abuse of the provisions of [sections 1 through 23]; or

(b) refer reports of suspected abuse to the law enforcement agency having jurisdiction in the area where the suspected abuse is occurring."
Insert: "NEW SECTION. **Section 22. Legislative monitoring.**(1) The children, families, health, and human services interim committee shall provide oversight of the department's activities related to registering individuals pursuant to [sections 1 through 23] and of issues related to the cultivation, manufacture, and use of marijuana pursuant to [sections 1 through 23].

(2) The committee shall identify issues likely to require future legislative attention and develop legislation to present to the next regular session of the legislature."
Renumber: subsequent sections

147. Page 13, line 22.
Strike: "17"
Insert: "23"

148. Page 13, lines 25 and 26.
Following: "providers" on line 25
Insert: "and marijuana-infused products providers"
Following: "cards"
Strike: "for" on line 25 through "cardholders" on line 26

149. Page 13, line 29.
Strike: "[section 5]"
Insert: "[sections 4 and 5]"
Following: ";"
Strike: "and"

150. Page 13, line 30.
Strike: "17"
Insert: "23"

151. Page 14, line 2.
Strike: "17"
Insert: "23"

152. Page 15, line 25.
Strike: "that is"
Insert: "and accompanying statements"

153. Page 15, line 26.
Strike: "17"
Insert: "23"

154. Page 16, line 10.
Strike: "that is"
Insert: "and accompanying statements"

155. Page 16, line 11.
Strike: "17"
Insert: "23"

156. Page 16, line 23.
Strike: "that is"
Insert: "and accompanying statements"
Strike: "17"
Insert: "23"

157. Page 19, line 18.
Strike: "12"
Insert: "15"

158. Page 19, line 19.
Insert: "Section 29. Section 46-18-202, MCA, is amended to read:

"46-18-202. Additional restrictions on sentence. (1) The sentencing judge may also impose any of the following restrictions or conditions on the sentence provided for in 46-18-201

that the judge considers necessary to obtain the objectives of rehabilitation and the protection of the victim and society:

(a) prohibition of the offender's holding public office;

(b) prohibition of the offender's owning or carrying a dangerous weapon;

(c) restrictions on the offender's freedom of association;

(d) restrictions on the offender's freedom of movement;

(e) a requirement that the defendant provide a biological sample for DNA testing for purposes of Title 44, chapter 6, part 1, if an agreement to do so is part of the plea bargain;

(f) a requirement that the offender surrender any registry identification card issued under [section 3];

~~(f)~~(g) any other limitation reasonably related to the objectives of rehabilitation and the protection of the victim and society.

(2) Whenever the sentencing judge imposes a sentence of imprisonment in a state prison for a term exceeding 1 year, the sentencing judge may also impose the restriction that the offender is ineligible for parole and participation in the supervised release program while serving that term. If the restriction is to be imposed, the sentencing judge shall state the reasons for it in writing. If the sentencing judge finds that the restriction is necessary for the protection of society, the judge shall impose the restriction as part of the sentence and the judgment must contain a statement of the reasons for the restriction.

(3) If a sentencing judge requires an offender to surrender a registry identification card issued under [section 3], the court shall return the card to the department of public health and human services and provide the department with information on the offender's sentence. The department shall revoke the card for the duration of the sentence and shall return the card if the offender successfully completes the terms of the sentence before the expiration date listed on the card.""

Insert: "Section 30. Section 50-46-201, MCA, is amended to read:

"50-46-201. Medical use of marijuana -- legal protections -- limits on amount -- presumption of medical use. (1) A person who possesses a registry identification card issued ~~pursuant to 50-46-103~~ before [the effective date of this section] may not be arrested, prosecuted, or penalized in any manner or be denied any right or privilege, including but not limited to civil penalty or disciplinary action by a professional licensing board or the department of labor and industry, if:

(a) the qualifying patient or caregiver acquires, possesses, cultivates, manufactures, delivers, transfers, or transports marijuana not in excess of the amounts allowed in subsection (2); or

(b) the qualifying patient uses marijuana for medical use.

(2) A qualifying patient and that qualifying patient's caregiver may not possess more than six marijuana plants and 1 ounce of usable marijuana each.

(3) (a) A qualifying patient or caregiver is presumed to be engaged in the medical use of marijuana if the qualifying patient or caregiver:

(i) is in possession of a registry identification card; and

(ii) is in possession of an amount of marijuana that does not exceed the amount permitted under subsection (2).

(b) The presumption may be rebutted by evidence that the possession of marijuana was not for the purpose of alleviating the symptoms or effects of a qualifying patient's debilitating medical condition.

(4) A physician may not be arrested, prosecuted, or penalized in any manner or be denied any right or privilege, including but not limited to civil penalty or disciplinary action by the board of medical examiners or the department of labor and industry, for providing written certification for the medical use of marijuana to qualifying patients.

(5) An interest in or right to property that is possessed, owned, or used in connection with the medical use of marijuana or acts incidental to medical use may not be forfeited under any provision of law providing for the forfeiture of property other than as a sentence imposed after conviction of a criminal offense.

(6) A person may not be subject to arrest or prosecution for constructive possession, conspiracy, as provided in 45-4-102, or other provisions of law or any other offense for simply being in the presence or vicinity of the medical use of marijuana as permitted under this chapter.

(7) Possession of or application for a registry identification card does not alone constitute probable cause to search the person or property of the person possessing or applying for the registry identification card or otherwise subject the person or property of the person possessing or applying for the card to inspection by any governmental agency, including a law enforcement agency.

(8) A registry identification card or its equivalent issued by another state government to permit the medical use of marijuana by a qualifying patient or to permit a person to assist with a qualifying patient's medical use of marijuana has the same force and effect as a registry identification card issued by the department.""

Insert: "Section 31. Section 50-46-202, MCA, is amended to read:

"50-46-202. Disclosure of confidential information relating to medical use of marijuana -- penalty. (1) The department shall maintain a confidential list of the persons to whom the department has issued registry identification cards. Individual names and other identifying information on the list must be confidential and are not subject to disclosure except to:

(a) authorized employees of the department as necessary to perform official duties of the department; or

(b) state or local law enforcement agencies only as necessary to verify that a person is a lawful possessor of a registry identification card.

~~(1)~~(2) A person, including an employee or official of the department or other state or local government agency, commits the offense of disclosure of confidential information relating to medical use of marijuana if the person knowingly or purposely discloses confidential information in violation of ~~50-46-103~~ this section.

~~(2)~~(3) A person convicted of disclosure of confidential information relating to medical use of marijuana shall be fined not to exceed $1,000 or be imprisoned in the county jail for a term not to exceed 6 months, or both.""

Renumber: subsequent sections

159. Page 20, line 29.

Insert: "NEW SECTION. **Section 33. Emergency rulemaking.** The department of

public health and human services shall adopt emergency rules as provided in 2-4-303 to allow for issuance of registry identification cards in accordance with the provisions of [sections 1 through 23] beginning June 1, 2011."
Renumber: subsequent sections

160. Page 21, line 13.
Following: "this"
Strike: "act"
Insert: "section"

161. Page 21.
Following: line 14
Insert: "(2) (a) The department of public health and human services may issue registry identification cards to persons with debilitating medical conditions and to the persons named as providers or marijuana-infused products providers beginning June 1, 2011, under emergency rules adopted pursuant to [section 33].

(b) Until October 1, 2011, the department may issue cards to persons applying as providers or marijuana-infused products providers before the department has obtained the results of the fingerprint and background check required under [sections 4 and 5].

(c) A person who obtains a registry identification card as a provider or marijuana-infused products provider before October 1, 2011, shall submit fingerprints as required by [sections 4 and 5] no later than October 1, 2011.

(3) (a) The department shall revoke the registry identification card issued to a provider or marijuana-infused products provider under subsection (2) if:

(i) the person fails to submit fingerprints by October 1, 2011; or

(ii) the results of a fingerprint and background check conducted after issuance of the card shows that the person is ineligible for the card.

(b) The department shall notify the provider or marijuana-infused products provider and the registered cardholder who named the provider or marijuana-infused products provider that the person may no longer assist the registered cardholder with the use of marijuana to alleviate the symptoms of the cardholder's debilitating medical condition."
Renumber: subsequent subsection

162. Page 21, line 15 through line 16.
Strike: "July" on line 15 through "2011," on line 16
Insert: "[the effective date of this section]"
Following: "possession of"
Insert: "mature"

163. Page 21, line 17.
Following: the first "2011"
Insert: ", if the person has not obtained a registry identification card pursuant to the provisions of [sections 1 through 23] as provided for in subsection (2)"
Following: "2011,"
Strike: "the"

Insert: "a"
Following: "caregiver"
Insert: "who has not obtained a registry identification card pursuant to [sections 1 through 23]"
Strike: "the items"
Insert: "any mature marijuana plants, seedlings, cuttings, clones, usable marijuana, or marijuana-related products still in the caregiver's possession"

164. Page 21, line 21.
Strike: "17"
Insert: "23"

165. Page 21, line 23.
Strike: "17"
Insert: "23"

166. Page 21, line 25 through line 27.
Strike: "(1) If" on line 25 through "(2)" on line 27

167. Page 22, line 7.
Strike: "7"
Insert: "11"

168. Page 22, line 13.
Strike: "**date**"
Insert: "**dates**"
Strike: "[This act]"
Insert: "(1) Except as provided in subsection (2), [this act]"

169. Page 22, line 14.
Insert: "(2) [Sections 20, 30, 31, 33, the repeal of 50-46-103 provided for in section 34, and sections 35 and 38], and this section are effective on passage and approval."

For the Senate:	For the House:
Essmann, Chair	C. Smith, Vice Chair
Larsen	Sands
Vincent	Berry

FREE CONFERENCE COMMITTEE
on **House Bill 621**
Report No. 1, April 20, 2011

Mr. President and Mr. Speaker:
We, your Free Conference Committee met and considered **House Bill 621** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 621** (reference copy -- salmon) be amended as follows:

1. Title, page 1, line 10.
Following: "CONSERVATION;"
Insert: "ELIMINATING THE COORDINATING AUTHORITY; AUTHORIZING THE USE OF QUARANTINE MEASURES IN AN INVASIVE SPECIES MANAGEMENT AREA;"

2. Title, page 1, line 11.
Following: "~~80-7-814,~~"
Insert: "80-7-1002,"

3. Title, page 1, line 12.
Following: "~~80-7-1005,~~"
Insert: "80-7-1005,"
Strike: the first "AND"
Following: "80-7-1007,"
Insert: "80-7-1008, AND 80-7-1011,"

4. Page 3.
Following: line 3
Insert: "Section 1. Section 80-7-1002, MCA, is amended to read:

"80-7-1002. Legislative findings and purpose. (1) The legislature finds that:

(a) invasive species can wreak damage on the economy, environment, recreational opportunities, and human health in Montana;

(b) there is reason to be concerned about the further introduction, importation, and infestation of Eurasian watermilfoil (Myriophyllum spicatum) and the introduction, importation, and infestation of additional invasive species ~~not yet present~~ in Montana, such as the zebra mussel (Dreissena polymorpha) and the quagga mussel (Dreissena bugensis), that could cause catastrophic damage to not only our waterways, rivers, and lakes, our water storage, delivery, and irrigation systems, our hydroelectric power structures and systems, and our aquatic ecosystems, but also to the entire state economy;

(c) as infestations of threatening invasive species move ever closer to Montana's borders, protecting Montana against these species is of utmost importance to the state economy, environment, recreational opportunities, and human health for the benefit of all Montanans;

(d) preventing the introduction, importation, and infestation of invasive species is the most effective and least costly strategy for combating invasive species that, once established, are often difficult to control or eradicate;

(e) the use of check stations, at which ~~the exterior of~~ vessels <u>and trailers transporting vessels</u> may be inspected for the presence of invasive species and cleaned if an invasive species is detected, is an effective way to prevent the introduction, importation, and infestation of invasive species that are easily transferred from infested areas to uninfested areas when proper precautions are not taken; and

(f) preventing the introduction, importation, and infestation of invasive species is best accomplished through coordinated educational and management activities.

(2) The purpose of this part is to establish a mechanism for Montana to take concerted action to detect, control, and manage invasive species, including preventing further introduction, importation, and infestation, by educating the public about the threat of these species, coordinating public and private efforts and expertise to combat these species, and authorizing the use of check stations to prevent the intrastate movement of invasive species from infested areas to uninfested areas to protect the state's economy, environment, recreational opportunities, and human health for the benefit of all Montanans.""
Renumber: subsequent sections

5. Page 3, line 13.
Strike: ","
Insert: "or"

6. Page 3, line 14.
Strike: ", or for the entire state"

7. Page 3.
Following: line 29
Insert: "Section 3. Section 80-7-1005, MCA, is amended to read:
"80-7-1005. Cooperative agreement for invasive species detection and control. (1) In order to implement, administer, and accomplish the purposes of this part, the departments, collectively or individually, shall enter into a cooperative agreement with each other or may enter into an agreement with any person with the appropriate expertise and administrative capacity to perform the obligations of the agreement.
(2) Prior to entering an agreement with a person other than a department, the departments shall work in collaboration with each other to coordinate their respective responsibilities in order to further the purposes of this part.
(3) A cooperative agreement may include provisions for funding to implement the agreement.
~~(4) The overall coordinating authority is the department of agriculture.~~""
Renumber: subsequent sections

8. Page 4, line 1 through line 22.
Strike: section 2 in its entirety
Insert: "Section 4. Section 80-7-1006, MCA, is amended to read:
"80-7-1006. Departmental responsibilities. (1) The departments shall prepare a list of invasive species and identify those departments and other public agencies with jurisdiction over each species on the list. The jurisdiction of each department for the prevention and control of invasive species is according to the department's powers and duties as established by law.
(2) For those invasive species under the jurisdiction of more than one department, the departments with jurisdiction, through cooperative agreement, shall seek to clarify and coordinate their respective responsibilities.
(3) Working in collaboration with each other, the departments, individually or collectively, shall develop and adopt an invasive species strategic plan or plans to accomplish

the purposes of this part. The plan or plans shall identify and prioritize threats and determine appropriate actions, in the following order of priority, related to:

(a) public awareness and education;

(b) prevention and detection of invasive species, including the use of invasive species management areas authorized under 80-7-1008;

(c) management, control, and restoration of infested areas; and

(d) emergency response.

(4) The departments may enforce quarantine regulations and measures imposed by law or rule in an invasive species management area, including the mandatory inspection of any interior portion of a vessel that may contain water for the presence of an invasive species.

~~(4)~~(5) The departments shall implement education and outreach programs that increase public knowledge and understanding of prevention, early detection, and control of invasive species.""

Renumber: subsequent sections

9. Page 5, line 1.
Following: "pertaining to"
Insert: ":

(a) the use of quarantine regulations and measures;

(b) "

Following: "area"
Insert: ";"
Following: the first "and"
Insert: "(c)"

10. Page 5, line 1 through line 2.
Strike: "the exterior" on line 1 through "of" on line 2

11. Page 5.
Following: line 5
Insert: "Section 6. Section 80-7-1008, MCA, is amended to read:

"80-7-1008. Invasive species management area -- authorization. (1) When an invasive species is identified as infesting or threatening an area, the department with jurisdiction over that invasive species may designate and administer an invasive species management area for a specific area of land~~,~~ or for a body or bodies of water~~, or for the entire state~~ for a specific or indeterminate amount of time to prevent and control the infestation or spread of that invasive species.

(2) To the extent practicable, prior to the designation of an invasive species management area, the department making the designation shall coordinate with all of the departments in order to further the purposes of this part.

(3) The designation of an invasive species management area must specify:

(a) the invasive species present or considered threatening; and

(b) ~~(i) subject to subsection (3)(b)(ii),~~ the method or methods for preventing the introduction of the species or controlling or eradicating the species, including regulations pertaining to:

(i) the use of quarantine measures;

(ii) the movement of vessels within, to, and from the area; and

(iii) whether check stations will be used to inspect and clean ~~the exterior of~~ vessels moving within, to, or from the area. A department may conduct mandatory inspections of any interior portion of a vessel that may contain water only if the department has included the use of mandatory inspections as part of quarantine measures established pursuant to subsection (3)(b)(i).

~~(ii) If the invasive species management area encompasses the entire state, departmental authority to prescribe requirements for cleaning and inspecting the exterior of vessels traveling within the state is limited to those vessels required to stop at a check station pursuant to 80-7-1011(3)(b).~~

(4) As far as practical, signs indicating that an invasive species management area is in place must be posted in an effective manner at access points to the designated area and along the boundaries and within the area. The signs must include information about the specific regulations that apply to the area. The signs must be paid for with funds from the invasive species account established in 80-7-1004. The departments may coordinate with any other governmental entity for the posting of signs.""

Insert: "Section 7. Section 80-7-1011, MCA, is amended to read:

"80-7-1011. Check stations. (1) The departments shall establish a check station within or adjacent to an invasive species management area to prevent the introduction, importation, infestation, and spread of the invasive species for which the designation was issued.

(2) At a check station, the departments may examine ~~the exterior of~~ vessels and trailers transporting vessels for the presence of an invasive species and compliance with regulations imposed under 80-7-1008(3)(b) and with this section. A department may examine any interior portion of a vessel that may contain water, including bilges, livewells, and bait containers, for compliance only if inspection of interior portions is included as part of quarantine measures established pursuant to 80-7-1008(3)(b)(i).

(3) ~~(a) Except as provided in subsection (3)(b), the~~ The owner, operator, or person in possession of a vessel shall stop at any check station unless a medical emergency makes stopping likely to result in death or serious bodily injury.

~~(b) If a check station is established under regulations pertaining to a statewide invasive species management area, a stop at that check station is required only for a vehicle transporting a vessel, excluding vessels that have never been used.~~

(4) If during an inspection of ~~the exterior of~~ a vessel or a trailer transporting a vessel the presence of an invasive species is detected ~~upon the exterior of the vessel~~, that vessel or trailer may not leave the check station until it is cleaned and decontaminated in a manner established in accordance with 80-7-1008(3)(b).""

Renumber: subsequent sections

12. Page 5, line 17.
Strike: "$58,000"
Insert: "$558,000"

For the Senate:	For the House:
Jackson, Chair	Ankney, Vice Chair
Zinke	Cuffe
Wanzenried	Hollenbaugh

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Essmann moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Ripley in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

Senator Gallus excused at this time.

SB 277 - **Governor's Amendments** - Senator Moore moved Governor's amendments to **SB 277 not** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tutvedt, Vincent, Walker, Windy Boy, Wittich, Zinke, Mr. President.
Total 31

Nays: Blewett, Branae, Caferro, Erickson, Facey, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams.
Total 18

Absent or not voting: None.
Total 0

Excused: Gallus.
Total 1

SB 348 - **Free Conference Committee Report No. 1** - Senator Barrett moved the Free Conference Committee report to **SB 348** be adopted. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Essmann, Facey, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Wittich, Zinke, Mr. President.
Total 44

Nays: Erickson, Kaufmann, Tropila, Williams, Windy Boy.
Total 5

Absent or not voting: None.
Total 0

Excused: Gallus.
Total 1

SB 366 - **Governor's Amendments** - Senator Vincent moved Governor's amendments to **SB 366** be **not** concurred in. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 21

Absent or not voting: None.
Total 0

Excused: Gallus.
Total 1

Senator Gallus present.

SB 97 - **Conference Committee Report No. 1** - Senator Shockley moved the Conference Committee report to **SB 97** be adopted. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tutvedt, Vincent, Vuckovich, Walker, Windy Boy, Wittich, Zinke, Mr. President.
Total 31

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Tropila, Van Dyk, Wanzenried, Williams.
Total 19

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 627 - Senator Shockley moved **HB 627** be concurred in. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HJR 13 - Senator Lake moved **HJR 13** be concurred in. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 44

Nays: Augare, Buttrey, Essmann, Hawks, Murphy, Tropila.
Total 6

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HJR 25 - Senator Jackson moved **HJR 25** be concurred in. Motion **failed** as follows:
Yeas: Augare, Blewett, Brown, Buttrey, Caferro, Erickson, Facey, Hamlett, Hinkle, Jackson, Kaufmann, Larsen, Moss, Mowbray, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried, Williams.
Total 19

Nays: Arthun, Balyeat, Barrett, Branae, Brenden, Essmann, Gallus, Gillan, Hawks, Hutton, Jent, Jones, Keane, Lake, Lewis, Moore, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Vuckovich, Walker, Windy Boy, Wittich, Zinke, Mr. President.

Total 31

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 36 - **Governor's Amendments** - Senator Hamlett moved Governor's amendments to **SB 36** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 416 - **Governor's Amendments** - Senator Moore moved Governor's amendments to **HB 416 not** be concurred in. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Windy Boy, Wittich, Zinke, Mr. President.
Total 28

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Shockley, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 563 - Senator Vuckovich moved **HB 563** be concurred in. Motion **failed** as follows:
Yeas: Erickson, Gallus, Hawks, Larsen, Mowbray, Walker, Wanzenried, Williams.
Total 8

Nays: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Essmann, Facey, Gillan, Hamlett, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Lewis, Moore, Moss, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Windy Boy, Wittich, Zinke, Mr. President.
Total 42

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJR 15 - **House Amendments** - Senator Tutvedt moved House amendments to **SJR 15** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 47

Nays: Moore, Walker, Wittich.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HJR 25 - Senator Essmann moved **HJR 25** be **indefinitely postponed**. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Essmann, Facey, Gallus, Hinkle, Hutton, Jent, Jones, Keane, Lake, Lewis, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Windy Boy, Wittich, Zinke, Mr. President.
Total 31

Nays: Augare, Blewett, Branae, Buttrey, Caferro, Erickson, Gillan, Hamlett, Hawks, Jackson, Kaufmann, Larsen, Moore, Moss, Mowbray, Stewart-Peregoy, Tropila, Wanzenried, Williams.
Total 19

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 563 - Senator Essmann moved **HB 563** be **indefinitely postponed**. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Branae, Brenden, Brown, Buttrey, Caferro, Essmann, Facey, Gallus, Gillan, Hamlett, Hinkle, Hutton, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Windy Boy, Wittich, Zinke, Mr. President.
Total 44

Nays: Blewett, Erickson, Hawks, Jackson, Wanzenried, Williams.
Total 6

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Gallus rose on a point of personal privilege regarding a comment made by Senator Wittich.

SJR 20 - **House Amendments** - Senator Wittich moved House amendments to **SJR 20** be concurred in. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tutvedt, Vincent, Walker, Windy Boy, Wittich, Zinke, Mr. President.
Total 30

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams.
Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Essmann moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Peterson in the chair. Chairman Ripley moved the Committee of the Whole report be adopted. Report adopted as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Essmann, Facey, Gallus, Gillan, Hamlett, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Vincent, Walker, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 45

Nays: Erickson, Hawks, Van Dyk, Vuckovich, Wanzenried.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

MOTIONS

Senator Essmann requested the Senate consent to the House of Representative's request to recess for more than three days. Senator Gillan objected.

Senator Essmann made a substitute motion to request the House of Representatives to consent to the Senate's request to recess for more than three days.

Senator Essmann made a substitute motion to request the House of Representatives to consent to a recess for more than three days without the legislators' per diem.

Senate in recess.

Senate reconvened.

President Peterson ruled Senator Essmann's motions should be separate.

Senator Essmann withdrew his motion.

Senator Essmann moved to request the House to consent to a recess until April 26, 2011.
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tutvedt, Vincent, Walker, Windy Boy, Wittich, Zinke, Mr. President.
Total 30

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams.
Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Priest moved that **SB 427** be taken from Taxation and brought before the Committee of the Whole and placed on second reading on April 26, 2011. Motion **failed** as follows:
Yeas: Balyeat, Barrett, Essmann, Hinkle, Hutton, Jackson, Jones, Moore, Mowbray, Murphy, Priest, Shockley, Sonju, Vincent, Walker, Wittich.
Total 16

Nays: Arthun, Augare, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Lake, Larsen, Lewis, Moss, Olson, Ripley, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 34

Absent or not voting: None.
Total 0

Excused: None.
Total 0

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE
on **Senate Bill 265**
Report No. 1, April 20, 2011

Mr. President and Mr. Speaker:
We, your Free Conference Committee met and considered **Senate Bill 265** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 265** (reference copy -- salmon) be amended as follows:

1. Title, page 1, line 8.
Following: "CONSTRUCTION;"
Insert: "REQUIRING THE DEPARTMENT OF REVENUE TO REPORT TO THE REVENUE AND TRANSPORTATION INTERIM COMMITTEE ON THE USE OF THE ABATEMENT;"

2. Page 3.
Following: line 29
Insert: "NEW SECTION. **Section 5. Report to interim committee.** By September 15, 2014, the department shall provide a report to the revenue and transportation interim committee on the use of property tax abatement under [sections 2 and 3]. The committee shall, based on information contained in the report, make recommendations to the next legislature on the continuation or structure of the abatement."
Renumber: subsequent subsections

3. Page 4, line 1.
Strike: "4"
Insert: "5"

4. Page 4, line 3.
Strike: "4"
Insert: "5"

For the Senate:

Tutvedt, Chair
Hamlett
Lake

For the House:

Blasdel, Vice Chair
Lavin
Williams

FREE CONFERENCE COMMITTEE
on **House Bill 122**
Report No. 1, April 20, 2011

Mr. President and Mr. Speaker:
We, your Free Conference Committee met and considered **House Bill 122** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 122** (reference copy -- salmon) be amended as follows:

1. Page 13, line 18 through line 19.
Strike: "starting" on line 18 through "2.27%" on line 19
Insert: "on July 1, 2009, continuing until the additional employer contributions terminate pursuant to 19-3-316, 0.27%"

2. Page 15, line 29 through line 30.
Strike: "starting" on line 29 through "2.27%" on line 30
Insert: "on July 1, 2009, continuing until the additional employer contributions terminate pursuant to 19-3-316, 0.27%"

For the House:

Balyeat, Chair
Shockley

For the Senate:

Ingraham, Vice Chair
Malek
Skees

MESSAGES FROM THE OTHER HOUSE

Senate amendments to House bills concurred in: 4/20/2011

HB 159, introduced by C. Smith
HB 186, introduced by Hunter
HB 209, introduced by Washburn
HB 283, introduced by Bangerter
HB 317, introduced by Cook
HB 370, introduced by Squires
HB 372, introduced by Washburn
HB 518, introduced by Hunter
HB 615, introduced by K. Williams
HB 622, introduced by Ankney
HB 638, introduced by Howard

Senate amendments to House bill not concurred in: 4/20/2011

HB 140, introduced by Hiner

Senate joint resolution concurred in as amended and returned to the Senate for concurrence in House amendments:

4/20/2011

SJR 23, introduced by Essmann

HB 612 - The House dissolved the Conference Committee on House amendments to **HB 612**, and authorized the Speaker to appoint the following **Free** Conference Committee to confer on **HB 612:**

4/20/2011

Representative Roberts, Vice Chair
Representative Esp
Representative Sesso

HB 122 - The House dissolved the Conference Committee on House amendments to **HB 122**, and authorized the Speaker to appoint the following **Free** Conference Committee to confer on **HB 122:**

4/20/2011

Representative Ingraham, Vice Chair
Representative Skees
Representative Malek

SB 426 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following **Free** Conference Committee to meet with a like committee from the Senate to confer on **SB 426:**

4/20/2011

Representative Blasdel, Vice Chair
Representative Lavin
Representative Williams

SB 372 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following **Free** Conference Committee to meet with a like committee from the Senate to confer on **SB 372:**

4/20/2011

Representative Blasdel, Vice Chair
Representative Lavin
Representative Williams

Conference Committee Report No.1 adopted: 4/20/2011

SB 126, introduced by Larsen
SB 338, introduced by Arthun
HB 593, introduced by Ankney

Governor's amendments to **House bill** concurred in and transmitted to the Senate for consideration of the Governor's amendments:

4/20/2011

HB 565, introduced by Noonan

SPECIAL ORDERS OF THE DAY

Shockley rose on a point of personal privilege and stated **HB 627** does not have a transmittal date. Senator Gallus disagreed and requested President Peterson to look into the subject. President Peterson agreed.

Senator Brown thanked the Senate pages for their work during the week of April 18-20, 2011.

Senator Augare acknowledged Representative Lila Evans for her work and wished her well during her illness.

Senate in recess.

Senate reconvened.

Senator Essmann moved the Senate accede to the request of the House and adjourn until April 26, 2011. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Windy Boy, Wittich, Zinke, Mr. President.
Total 29

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Essmann moved that the Senate adjourn until 9:00 a.m., Thursday, April 21, 2011. Motion carried.

Senate adjourned at 3:19 p.m.

MARILYN MILLER
Secretary of the Senate

JIM PETERSON
President of the Senate

SENATE JOURNAL
62ND LEGISLATURE
EIGHTY-SIXTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
April 26, 2011 — State Capitol

Senate convened at 9:00 a.m. President Peterson presiding. Invocation by Chaplain Keith Johnson. Pledge of Allegiance to the Flag. Roll Call. All members present. Quorum present.

Senator Williams announced the Democrats would caucus.

Senator Essmann announced the Republicans would caucus.

Senate in recess.

Senate reconvened.

BILLS AND JOURNALS: 4/20/2011

Correctly enrolled: **SB 153**, **SB 221**.

BILLS AND JOURNALS: 4/26/2011

Correctly printed: **HB 627**, **HJR 13**, **HJR 32**, **HJR 39**.
Correctly engrossed: **HJR 32**, **HJR 39**.
Correctly enrolled: **SB 11**, **SB 126**, **SB 199**, **SB 292**, **SB 406**, **SJR 26**.
Correctly enrolled: **SB 97**, **SB 338**, **SB 348**, **SJR 15**, **SJR 20**.
Examined by the sponsor and found to be correct: **SB 11**, **SB 126**, **SB 153**, **SB 187**, **SB 199**, **SB 221**, **SB 253**, **SB 292**, **SB 294**, **SB 295**, **SB 326**, **SB 351**, **SB 379**, **SB 406**, **SB 409**, **SB 417**, **SJR 26**.
Delivered to the Secretary of State at 11:17 a.m., April 26, 2011: **SJR 17**, **SJR 18**, **SR 20**, **SR 23**.
Delivered to the Secretary of State at 1:18 p.m., April 26, 2011: **SR 25**, **SR 26**, **SR 29**.

REPORTS OF STANDING COMMITTEES

LOCAL GOVERNMENT (Sonju, Chairman): 4/20/2011
HJR 38, be concurred in. Report adopted.

MESSAGES FROM THE GOVERNOR

April 22, 2011

The Honorable Jim Peterson
President of the Senate
State Capitol
Helena, Montana 59620

Dear Senator Peterson:

Please be informed that I have signed **Senate Bill 135** sponsored by Senator Balyeat, **Senate Bill 138** sponsored by Senator Jones, **Senate Bill 149** sponsored by Senator Essmann, **Senate Bill 327** sponsored by Senator Larsen, **Senate Bill 382** sponsored by Senator Gillan, and **Senate Bill 389** sponsored by Senator Van Dyk on April 22, 2011.

Sincerely,

BRIAN SCHWEITZER
Governor

April 21, 2011

The Honorable Jim Peterson
President of the Senate
State Capitol
Helena, Montana 59620

Dear Senator Peterson:

Please be informed that I have signed **Senate Bill 30** sponsored by Senator Wanzenried, **Senate Bill 124** sponsored by Senator Ripley, **Senate Bill 146** sponsored by Senator Lake, **Senate Bill 218** sponsored by Senator Steinbeisser, **Senate Bill 219** sponsored by Senator Branae, **Senate Bill 242** sponsored by Senator Brenden, **Senate Bill 246** sponsored by Senator Olson, **Senate Bill 285** sponsored by Senator Olson, **Senate Bill 288** sponsored by Senator Gillan, **Senate Bill 357** sponsored by Senator Hamlett, **Senate Bill 367** sponsored by Senator Vincent, **Senate Bill 374** sponsored by Senator Olson, and **Senate Bill 413** sponsored by Senator Balyeat on April 21, 2011.

Sincerely,

BRIAN SCHWEITZER
Governor

April 20, 2011

The Honorable Jim Peterson
President of the Senate
State Capitol
Helena, Montana 59620

Dear Senator Peterson:

Please be informed that I have signed **Senate Bill 28** sponsored by Senator Kaufmann, **Senate Bill 43** sponsored by Senator Keane, **Senate Bill 52** sponsored by Senator Tropila, **Senate Bill 68** sponsored by Senator Jent, **Senate Bill 120** sponsored by Senator Brenden, **Senate Bill 278** sponsored by Senator Mowbray, **Senate Bill 337** sponsored by Senator Blewett, and **Senate Bill 352** sponsored by Senator Steinbeisser on April 20, 2011.

Sincerely,

BRIAN SCHWEITZER
Governor

April 25, 2011

The Honorable Jim Peterson
President of the Senate
State Capitol
Helena, MT 59620

Dear President Peterson:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return with amendments Senate Bill No. 29 (SB 29), **"AN ACT GENERALLY PROVIDING FOR THE TRAINING OF PERSONS SELLING OR SERVING ALCOHOLIC BEVERAGES; PROVIDING A PENALTY; REQUIRING CONSIDERATION OF MITIGATING CIRCUMSTANCES; PROVIDING FOR RULEMAKING; AND PROVIDING THAT THE DEPARTMENT OF REVENUE HAS SOLE JURISDICTION FOR THE TRAINING PROGRAM."**

The agreement reached on HB 2 between you, me, and Speaker Milburn contains a line-item appropriation for the alcohol server and sales training program (amendment 5). The Department of Revenue (DOR) has developed and provided this program over a number of years and has trained over 400 community volunteers -including highway patrol officers, local law enforcement officers, DUI taskforce members, and others --so that they can offer this program, free of charge, to alcoholic beverage licensees and their employees.

Absent my amendment, the DOR will be prohibited from providing the responsible server and sales training program, which under SB 29 is required of all retail establishments and manufactures licensed to sell or serve alcoholic beverages to the public. If that occurs, the retailers and manufacturers will have to pay for the training that will be offered by private vendors, and it is predicted the added cost to the industry will be in the hundreds of thousands of dollars.

The sponsor of SB 29 supports my proposed amendments, and I respectfully ask for your support as well.

Sincerely,

BRIAN SCHWEITZER
Governor

cc: Legislative Services Division

Report No. 1, April 26, 2011

Governor's recommendations for amendments to **Senate Bill 29** (reference copy -- salmon) are as follows:

1. Page 3, line 1.
Strike: "NOT"

2. Page 3, line 3.
Following: "~~SUBSECTION (1)~~"
Insert: "consisting of a train-the-trainer program for volunteer trainers who may provide training pursuant to [sections 1 through 9] if the program meets the standards set forth in subsection (1)"

April 21, 2011

The Honorable Jim Peterson
President of the Senate
State Capitol
Helena, MT 59620

Dear President Peterson:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return with amendments Senate Bill No. 35 (SB 35), **"AN ACT GENERALL0Y REVISING AND CLARIFYING LAWS RELATED TO THE TREATMENT OF PROPERTY CONSISTING OF THE BEDS OF NAVIGABLE RIVERS; DEFINING A "NAVIGABLE RIVER"; REQUIRING AUTHORIZATION FROM THE BOARD OF LAND COMMISSIONERS FOR USES ON THE BEDS OF NAVIGABLE RIVERS; REQUIRING THE BOARD OF LAND**

COMMISSIONERS TO ADOPT RULES FOR PROVIDING LEASES, LICENSES, OR EASEMENTS FOR USES ON THE BEDS OF NAVIGABLE RIVERS; CLARIFYING THE AUTHORITY OF THE BOARD OF LAND COMMISSIONERS TO GRANT EASEMENTS; AND AMENDING SECTIONS 77-1-121, 77-1-134, AND 77-2-101, MCA."

Senate Bill 35 provides express statutory and rulemaking authority to the State Board of Land Commissioners (Land Board) to issue leases, licenses, and easements for various uses of state-owned navigable riverbeds. The bill also establishes procedures that must be followed, both by users of the riverbeds and by the Department of Natural Resources and Conservation, to obtain the leases or easements.

The enactment of SB 35 was prompted by the Montana Supreme Court's recent ruling in PPL Montana, LLC v. State of Montana, 2010 MT 64 (2010), which held that navigable riverbeds are public trust lands pursuant to Article X, § 11 (1) of the Montana Constitution, and that the State Land Board is required to administer these lands in accordance with its trust obligations imposed by Article X, § 11 of the Montana Constitution. Id. at 116, 117. Accordingly, all navigable riverbeds are to be held "in trust for the people" and shall not "ever be disposed of except in pursuance of general laws providing for such disposition, or until the full market value of the estate or interest disposed of, to be ascertained in such manner as may be provided by law, has been paid or safely secured to the state." Mont. Const. Art. X, § 11. Id.

My amendments eliminate from SB 35 the statement that prior payment of property taxes constitutes payment of "full market value" for the prior use of these public trust lands. Under the Montana Constitution, Art. X., § 4 only the Land Board can choose to dispose of an interest in trust property and determine whether full market value has been obtained for the grant of an interest in the property. State v. Stewart, 48 Mont. 347,137 P. 854 (1913). The Legislature cannot compel the Land Board to exercise its discretion in any particular way or grant a property interest in state trust lands for a specific fixed price. Id.; see also Montanans for Responsible Use of School Trust v. State ex rel. Bd. of Land Com'rs, 199 MT 263 (1999). My amendments, therefore, are consistent with substantial case law and the well-established constitutional prerogatives of the Land Board and its fiduciary duty to obtain the full market value for these trust lands.

Additionally, my amendments clarify that SB 35 does not diminish the State's ownership of the beds of navigable waters under any other law nor does it restrict the power of the Land Board to adjudicate title to the beds of waters as authorized by existing statute. My amendments to SB 35 are intended to recognize the State Land Board's constitutional authority and its fiduciary duty to administer all of the State's navigable rivers in the best interests of the public trust beneficiaries. My amendments also allow the holder of a lease, license, or easement issued pursuant to SB 35 to unilaterally move the footprint of a structure without further authorization from the Land Board and without any further payment and to increase the size of the footprint so long as fair market value is paid for the increase. This will allow irrigators and other leaseholders the flexibility necessary to move, maintain, and otherwise operate their structures as dictated by changing river conditions without having to wait for Land Board approval of routine activities, especially in time-sensitive water management situations.

I respectfully ask for your support of my amendments.

Sincerely,

BRIAN SCHWEITZER
Governor

cc: Legislative Services Division

Report No. 1, April 26, 2011

Governor's recommendations for amendments to **Senate Bill 35** (reference copy -- salmon) are as follows:

1. Page 1, line 22.
Following: "met;"
Insert: "and"

2. Page 1, line 23 through line 28.
Strike: line 23 through line 28 in their entirety

3. Page 1, line 29.
Strike: "(e)"
Insert: "(c)"

4. Page 1, line 30 through page 2, line 1.
Strike: "; and" on page 1, line 30 through "time" on page 2, line 1

5. Page 2, line 2.
Strike: "the historic and future"
Insert: "process for the"

6. Page 2, line 4.
Following: line 3
Insert: "(3) Nothing in [sections 1 through 9] diminishes the state's ownership of the beds of navigable waters under any other law."

7. Page 2, line 5.
Strike: "For"
Insert: "Solely for"

8. Page 2, line 25.
Strike: "deemed"
Insert: "determined to be"

9. Page 3, line 4.
Strike: "deemed"
Insert: "determined to be"

10. Page 3, line 17.
Strike: "must"
Insert: "may"

11. Page 4, line 2.
Strike: "deemed"
Insert: "determined to be"

12. Page 4, line 8.
Following: line 7
Insert: "(11) The provisions of this section do not restrict the power of the board to seek adjudication of title pursuant to 77-1-105."

13. Page 4, line 16.
Strike: "deemed"
Insert: "determined to be"

14. Page 5, line 7.
Following: "relocate"
Insert: "or increase the size of"

15. Page 5, line 10.
Following: "relocated"
Insert: "or increased in size"

16. Page 5, line 11.
Strike: "The"
Insert: "Without prior board approval, the"

17. Page 5, line 12.
Following: "may"
Insert: "relocate or"
Following: "if the"
Insert: "relocation or"

18. Page 5, line 13.
Following: "granted"
Strike: "and if"
Insert: ". If the footprint is increased in size,"
Strike: "pays"
Insert: "must pay"

19. Page 5, line 14.
Strike: "has"
Insert: "must obtain"

20. Page 5, line 24 through line 25.
Strike: "for water" on line 24 through "water right" on line 25

21. Page 5, line 25.
Following: "relocate"
Insert: "or increase the size of"

April 22, 2011

The Honorable Jim Peterson
President of the Senate State
Capitol Helena, MT 59620

The Honorable Mike Milburn
Speaker of the House
State Capitol Helena, MT 59620

Dear President Peterson and Speaker Milburn:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby veto Senate Bill No. 54 (SB 54), **"AN ACT CREATING A HYBRID TIER FOR NEW HIRES IN THE TEACHERS' RETIREMENT SYSTEM; REVISING THE RETIREMENT SYSTEM POLICY; REQUIRING THE TEACHERS' RETIREMENT BOARD TO ESTABLISH ANNUALLY AN INTEREST CREDIT RATE; PROVIDING DEATH AND DISABILITY BENEFITS FOR HYBRID TIER MEMBERS; REQUIRING A MEMBER TO ELECT A CONTRIBUTION RATE AT THE TIME OF HIRE; ESTABLISHING A GRADED VESTING SCHEDULE FOR EMPLOYER MATCH; PROVIDING FOR A POSTRETIREMENT EMPLOYMENT AND PURCHASE OF PREVIOUS SERVICE CREDIT IN THE NEW TIER; ESTABLISHING MINIMUM AND MAXIMUM INTEREST CREDIT RATES; GRANTING THE BOARD THE POWER AND DUTY TO ADMINISTER THE NEW TIER; GRANTING THE TEACHERS' RETIREMENT BOARD RULEMAKING AUTHORITY TO ESTABLISH AND ADMINISTER THE HYBRID TIER; REQUIRING OVERSIGHT BY THE STATE ADMINISTRATION AND VETERANS' AFFAIRS INTERIM COMMITTEE; REQUIRING THE BOARD TO SEEK A RULING OF THE INTERNAL REVENUE SERVICE; PROVIDING FOR AN ALTERNATE RETIREMENT SYSTEM MATCH FOR VESTING BASED ON A RULING FROM THE INTERNAL REVENUE SERVICE; REQUIRING THE BOARD TO CERTIFY WHEN THE HYBRID TIER IS OPERATIONAL; AMENDING SECTIONS 19-20-101,19-20-102,19-20104,19-20-201,19-20-501,19-20-602, 19-20-605, 19-20-702, 19-20-716, 19-20-731, 19-20732, 19-20-733, 19-20-801, 19-20-902, 19-20-1001, AND 19-20-1002, MCA; AND PROVIDING EFFECTIVE DATES."**

Senate Bill 54 creates a new retirement plan, a hybrid plan, for new members of the Teachers' Retirement System. The hybrid plan itself creates internal inequities. A member's retirement will depend almost entirely on market values on the first day of enrollment. Thus, a TRS member of the hybrid plan who enrolls when the market is down will suffer a dramatically smaller retirement benefit years later than a TRS member who first enrolls when the market is up.

Further, by diverting new members into the hybrid plan, SB 54 weakens not strengthens the actuarial soundness of the current benefit system. A far better solution was presented in HB 189, which would have changed the age requirement and the retirement years for a full service retirement for new members from 25 to 30 years. Unfortunately that bill did not survive.

For the reasons stated above, I respectfully ask you to sustain my veto of SB 54.

Sincerely,

BRIAN SCHWEITZER
GOVERNOR

cc: Legislative Services Division

April 22, 2011

The Honorable Jim Peterson
President of the Senate State Capitol
Helena, MT 59620

Dear President Peterson:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return with amendments Senate Bill No. 108 (SB 108), **"AN ACT REQUIRING CONSULTATION AND COORDINATION WITH CERTAIN COUNTY AND TRIBAL GOVERNMENTS IN PROPOSED STATE AND FEDERAL POLICY DECISIONS REGARDING LARGE PREDATORS AND LARGE GAME SPECIES; AMENDING SECTION 87-1-217, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."**

Senate Bill 108 would require the Department of Fish, Wildlife, and Parks (FWP) to consult and coordinate with county commissioners and tribal governments in areas with identifiable populations of large predators prior to policy decisions involving large predators or big game animals. FWP consults with counties and tribes on a regular basis and on a variety of issues. This sort of communication and exchange of ideas with other governmental entities is both valuable and, in my view, necessary.

Introducing the concept of "coordination," however, is misleading, as it suggests there will be joint decision-making on matters that fall under the purview of FWP or the FWP Commission. Decisions involving large predators are often difficult and contentious and already entail significant and

established opportunities for public process and citizen input. Additionally, SB 108 would require FWP to ensure that county and tribal governments have the opportunity to coordinate and consult with federal agencies on federal policy decisions. Of course, FWP has no authority to ensure this will occur.

My proposed amendments eliminate both the requirements for FWP to "coordinate" with county and tribal governments and for FWP to ensure that counties and tribes have opportunity to coordinate with federal agencies regarding federal policy decisions. I have further instructed and confirmed with FWP that consultation has been, is now, and will continue to be a critical piece of wildlife management in Montana. Finally, my amendments strike the "large game species" clause from HB 318, since the bill's obvious intent was directed to management of predators.

Sincerely,

BRIAN SCHWEITZER
GOVERNOR

cc: Legislative Services Division

Report No. 1, April 26, 2011

Governor's recommendations for amendments to **Senate Bill 108** (reference copy -- salmon) are as follows:

1. Title, line 4.
Strike: "AND COORDINATION"

2. Title, line 5.
Strike: "AND FEDERAL"

3. Title, line 6.
Strike: "AND LARGE GAME SPECIES"

4. Page 2, line 1.
Strike: "and coordination"
Strike: the first "and federal"
Strike: the second "and federal"

5. Page 2, line 2.
Strike: "and large game species"

April 22, 2011

The Honorable Jim Peterson
President of the Senate
State Capitol
Helena, MT 59620

Dear President Peterson:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return with amendments Senate Bill No. 136 (SB 136), **"AN ACT REVISING RESIDENCY REQUIREMENTS FOR HUNTING LICENSES; AMENDING SECTIONS 87-1-290, 87-2-514, AND 87-2-515, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE."**

Senate Bill 136 provides a special hunting opportunity to people born in Montana who reside out of state. While I support the bill's intent, my amendments change the fees that would be charged to nonresidents. I believe the pricing subsidy in SB 136 is unreasonable in comparison to other nonresident hunting license fees and, for the sake of fairness, should be set at a rate half the current out-of-state license fees, not double the current resident fees.

My amendments will maintain the intent of the bill to allow significant hunting opportunities for Montana families whose members reside out of state, while also providing fair and responsible financial management of hunting opportunity and license dollars.
I respectfully ask for your support of my proposed amendments.

Sincerely,

BRIAN SCHWEITZER
GOVERNOR

cc: Legislative Services Division

Report No. 1, April 26, 2011

Governor's recommendations for amendments to **Senate Bill 136** (reference copy -- salmon) are as follows:

1. Title, line 10 and 11.
Following: "87-1-290" on line 10
Strike: ","
Insert: "AND"
Following: "87-2-514," on line 10
Strike: "AND" on line 10 through "87-2-515," on line 11
Following: "MCA;" on line 11

Insert: "REPEALING SECTION 87-2-515, MCA;"

2. Page 7, line 13.
Strike: "B"
Insert: "B-10"
Strike: "fishing"
Insert: "big game combination"
Following: ":"
Insert: "or"

3. Page 7, line 14.
Strike: "B-1"
Insert: "B-11"
Strike: "upland game bird"
Insert: "deer combination"
Strike: ":"
Insert: "."

4. Page 7, line 15 through line 19.
Strike: line 15 through line 19 in their entirety
Insert: "(3) Sale of a license under this section may not affect the license quotas established in 87-2-505 and 87-2-510."

5. Page 7, line 20 through line 23.
Following: "is" on line 20
Strike: remainder of line 20 through "license" on line 23
Insert: "one-half the fee of a Class B-10 or B-11 nonresident combination license plus the nonresident hunting access enhancement fee provided for in 87-2-202(3)(d)"

6. Page 8, line 13 through line 20.
Strike: section 3 in its entirety
Insert: "NEW SECTION. **Section 3. Repealer.** The following section of the Montana Code Annotated is repealed:
87-2-515. Class B-15 nonresident child's elk license."

April 21, 2011

The Honorable Jim Peterson
President of the Senate
State Capitol Helena, MT 59620

Dear President Peterson:

In accordance with the powers vested in me as Governor by the Constitution and the laws of the State of Montana, I return with amendments Senate Bill No. 166 (SB 166): **"AN ACT ALLOWING**

A TAXPAYER THAT HAS AN INDIVIDUAL INCOME TAX LIABILITY FOR THE CURRENT YEAR OF $200 OR LESS TO PAY THE ENTIRE AMOUNT OF THE TAX DUE, WITHOUT PENALTY OR INTEREST, WHEN FILING AN EXTENDED RETURN; AMENDING SECTIONS 15-1-216 AND 15-30-2604, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE."

My amendments change the effective date of SB 166 to be the same as the effective date of SB 411--both of which address penalties and interest payments--in order to reduce confusion and inconvenience for taxpayers and tax practitioners. Coordinating these dates also will reduce administrative and computer reprogramming costs that will result in taxpayer savings.

I respectfully request that the Legislature concur with my amendments.

Sincerely,

BRIAN SCHWEITZER
Governor

cc: Legislative Services Division

Report No. 1, April 26, 2011

Governor's recommendations for amendments to **Senate Bill 166** (reference copy -- salmon) are as follows:

1. Title, line 9.
Strike: "IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE"

2. Page 3, line 29.
Strike: section 3 in its entirety

3. Page 4, line 1 through line 2.
Strike: section 4 in its entirety
Insert: "NEW SECTION. **Section 3. Applicability.** [This act] applies to the tax reporting periods beginning after December 31, 2011."

April 21, 2011

The Honorable Jim Peterson
President of the Senate
State Capitol Helena, MT 59620

Dear President Peterson:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return with amendments Senate Bill No. 174 (SB 174), **"AN ACT PROHIBITING THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS FROM EXPENDING ANY FUNDS ON THE RELOCATION OR TRANSPLANTATION OF WILD BUFFALO OR BISON ON THE SPOTTED DOG WILDLIFE MANAGEMENT AREA; AMENDING SECTION 87-1-201, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."**

My proposed amendments to SB 174 prohibit the relocation of bison to the Spotted Dog Wildlife Management Areas unless three conditions first are met: a MEPA analysis is conducted, the Department of Fish, Wildlife, and Parks prepares a management plan for the relocation, and the proposal is presented at a minimum of two public hearings, each of which would have to be held within a 50 mile radius of the management area.

I respectfully ask for your concurrence in my proposed amendments.

Sincerely,

BRIAN SCHWEITZER
Governor

cc: Legislative Services Division

Report No. 1, April 26, 2011

Governor's recommendations for amendments to **Senate Bill 174** (reference copy -- salmon) are as follows:

1. Title, line 6.
Following: "AREA"
Insert: "UNLESS CERTAIN CONDITIONS ARE MET"

2. Page 3, line 6.
Following: "area"
Insert: "unless the department first:
(a) conducts an analysis under the Montana Environmental Policy Act provided for in Title 75, chapter 1, parts 1 through 3;
(b) prepares a management plan for the relocation or transplantation; and

(c) conducts at least two public hearings on the proposal, each of which must be held in a community that is located within 50 miles of the management area"

April 21, 2011

The Honorable Jim Peterson
President of the Senate
State Capitol
Helena, MT 59620

Dear President Peterson:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return with amendments Senate Bill No. 201 (SB 201), **"AN ACT REQUIRING THAT A SMALL BUSINESS IMPACT ANALYSIS BE CONDUCTED PRIOR TO THE ADOPTION OF AN ADMINISTRATIVE RULE; DEFINING "SMALL BUSINESS"; AMENDING SECTION 2-4-102, MCA; AND PROVIDING AN EFFECTIVE DATE."**

My amendments speak for themselves. Senate Bill 201 was touted by Republican leadership this session as one of ten bills that will bring jobs to Montana. My amendments are simple. They ask the Department of Labor and Industry to report to the Governor's Office of Economic Development and to the Revenue and Transportation Committee on a quarterly basis the number of jobs that have been created in Montana as a result of the bill's passage.

I trust the Legislature will be as interested as the rest of Montana in knowing the answer to this question. I ask for your support of my amendments.

Sincerely,

BRIAN SCHWEITZER
Governor

cc: Legislative Services Division

Report No. 1, April 26, 2011

Governor's recommendations for amendments to **Senate Bill 201** (reference copy -- salmon) are as follows:

1. Title, page 1, line 7.
Following: "SMALL BUSINESS";"
Insert: "ESTABLISHING TEMPORARY REPORTING REQUIREMENTS;"

2. Page 7.
Following: line 2

Insert: "NEW SECTION. **Section 3. Reporting requirements.** (1) On or before September 1, 2011, January 1, 2012, April 1, 2012, June 1, 2012, September 1, 2012, and January 1, 2013, the department of labor and industry shall report on the number of jobs that have been created in Montana as a result of passage of [this act] to:

(a) the governor's office of economic development; and

(b) the revenue and transportation interim committee.

(2) If requested, the governor's office of economic development shall assist the department of labor and industry in preparing the report."

Renumber: subsequent sections

April 21, 2011

The Honorable Jim Peterson
President of the Senate
State Capitol
Helena, MT 59620

Dear President Peterson:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return with amendments Senate Bill No. 266 (SB 266), **"AN ACT REVISING THE LOCAL ABATEMENT OF THE COAL GROSS PROCEEDS TAX ON COAL PRODUCED BY A NEW OR EXPANDING UNDERGROUND COAL MINE; PROVIDING THAT THE TAX ABATEMENT MAY BE 50% OR LESS; AMENDING SECTIONS 15-23-703 AND 15-23-715, MCA; AND PROVIDING AN APPLICABILITY DATE."**

My proposed amendments to SB 266 modify the underground coal mine local gross proceeds tax abatement provision ("up to 50% optional abatement for the local portion of the tax") by changing the time frame for the abatement from years one through ten of a new or existing underground mine operation to years eleven through twenty. In addition, my proposed amendments set an initial gross proceeds tax rate for years one through ten at 2.5% with the rate at 5% commencing in year eleven.

With these amendments, the initial gross proceeds tax rate for coal from an underground mine will be at a level that will act as an incentive for the development of underground coal mining operations in Montana. Underground coal mining is capital intensive so the lower initial rate will assist in underground coal mines reaching profitability sooner, making such mines more attractive for the high level of capital investment that is needed to start up and maintain such operations. Because of the labor-intensive nature of underground coal mining, these amendments should set the stage for the development of a high number of good-paying jobs in Montana.

I respectfully ask for your concurrence in my proposed amendments.

Sincerely,

BRIAN SCHWEITZER
GOVERNOR

cc: Legislative Services Division

Report No. 1, April 26, 2011

Governor's recommendations for amendments to **Senate Bill 266** (reference copy -- salmon) are as follows:

1. Title, page 1, line 6.
Following: "LESS"
Insert: "FOR AN UNDERGROUND MINE TAXED AT 5% OF THE VALUE OF COAL"
Following: ";"
Insert: "PROVIDING AN INITIAL COAL GROSS PROCEEDS TAX OF 2.5% ON COAL PRODUCED FROM A NEW OR EXISTING UNDERGROUND MINE FOR AN INITIAL 10-YEAR PERIOD;"

2. Title, page 1, line 7.
Following: "PROVIDING AN"
Insert: "IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE"

3. Page 1, line 15.
Following: "(1)(b)"
Insert: "and except as provided in subsection (1)(c)"

4. Page 1.
Following: line 22
Insert: "(c)(i) For tax years beginning after December 31, 2011, the initial tax on coal mined from a new underground coal mine is 2.5% against the value of coal as provided in 15-23-701(4) for the first 10 years of coal production. After 10 years, coal production from the mine is taxed as provided in subsection (1)(a).

(ii) For tax years beginning on or after January 1, 2011, and ending December 31, 2020, the initial tax rate under subsection (1)(c)(i) applies to coal mined from an existing underground coal mine producing coal from the mine as of December 31, 2010. For tax years beginning after December 31, 2020, coal production is taxed as provided in subsection (1)(a)."

5. Page 3, line 12.
Following: "mine"
Insert: "that is taxed at the rate provided in 15-23-703(1)(a)"

6. Page 4.
Following: line 1
Insert: "NEW SECTION. **Section 3. Effective date.** [This act] is effective on passage and approval."
Renumber: subsequent sections

7. Page 4, line 3.
Strike: "Applicability"
Insert: "Retroactive applicability"
Following: "applies"
Insert: "retroactively, within the meaning of 1-2-109,"

8. Page 4, line 4.
Strike: "2011"
Insert: "2010"

April 22, 2011

The Honorable Jim Peterson
President of the Senate
State Capitol
Helena, MT 59620

Dear President Peterson:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return with amendments Senate Bill No. 279 (SB 279), **"AN ACT PROVIDING AN EXCEPTION TO THE OFFENSE OF CARRYING A CONCEALED WEAPON FOR LEGISLATIVE SECURITY STAFF IN THE STATE CAPITOL WHO HAVE BEEN ISSUED A CONCEALED WEAPON PERMIT; PROVIDING THAT A LOCAL ORDINANCE MAY NOT PROHIBIT LEGISLATIVE SECURITY STAFF WITH A CONCEALED WEAPON PERMIT FROM CARRYING A CONCEALED WEAPON IN THE STATE CAPITOL; AND AMENDING SECTIONS 45-8-317 AND 45-8-351, MCA."**

Senate Bill 279 authorizes legislative security officers in the state capitol to carry a concealed weapon if they have a concealed weapons permit. However, § 45-8-328, MCA, which was not amended in SB 279, prohibits a person 'from carrying a concealed weapon in state or local government offices. My amendment provides an exception to § 45-8-328, MCA, for legislative security staff in the capitol who have a concealed weapons permit. Without my amendment, security officers will be prohibited from carrying concealed weapons in the capitol under § 45-832, and SB 279 will have no effect.

I ask for your concurrence in my proposed amendments.

Sincerely,

BRIAN SCHWEITZER
GOVERNOR

cc: Legislative Services Division

Report No. 1, April 26, 2011

Governor's recommendations for amendments to **Senate Bill 279** (reference copy -- salmon) are as follows:

1. Title, line 12.
Following: "45-8-317"
Insert: ", 45-8-328,"

2. Page 2, line 4.
Insert: "Section 2. Section 45-8-328, MCA, is amended to read:

"45-8-328. Carrying concealed weapon in prohibited place -- penalty. (1) ~~A~~ Except for legislative security officers authorized to carry a concealed weapon in the state capitol as provided in 45-8-317(1)(k), a person commits the offense of carrying a concealed weapon in a prohibited place if the person purposely or knowingly carries a concealed weapon in:

(a) portions of a building used for state or local government offices and related areas in the building that have been restricted;

(b) a bank, credit union, savings and loan institution, or similar institution during the institution's normal business hours. It is not an offense under this section to carry a concealed weapon while:

(i) using an institution's drive-up window, automatic teller machine, or unstaffed night depository; or

(ii) at or near a branch office of an institution in a mall, grocery store, or other place unless the person is inside the enclosure used for the institution's financial services or is using the institution's financial services.

(c) a room in which alcoholic beverages are sold, dispensed, and consumed under a license issued under Title 16 for the sale of alcoholic beverages for consumption on the premises.

(2) It is not a defense that the person had a valid permit to carry a concealed weapon. A person convicted of the offense shall be imprisoned in the county jail for a term not to exceed 6 months or fined an amount not to exceed $500, or both.""
Renumber: subsequent section

April 21, 2011

The Honorable Jim Peterson
President of the Senate State
Capitol Helena, MT 59620

Dear President Peterson:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return with amendments Senate Bill No. 286 (SB 286), **"AN ACT REVISING COAL PROSPECTING LAWS; MODIFYING CERTAIN COAL PROSPECTING PROCEDURES; AMENDING SECTION 82-4-226, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."**

My amendments speak for themselves. Senate Bill 286 was touted by Republican leadership this session as one of ten bills that will bring jobs to Montana. My amendments are simple. They ask the Department of Labor and Industry to report to the Governor's Office of Economic Development and to the Legislature's Environmental Quality Council on a quarterly basis the number of jobs that have been created in Montana as a result of the bill's passage.

I trust the Legislature will be as interested as the rest of Montana in knowing the answer to this question. I ask for your support of my amendments.

Sincerely,

BRIAN SCHWEITZER
GOVERNOR

cc: Legislative Services Division

Report No. 1, April 26, 2011

Governor's recommendations for amendments to **Senate Bill 286** (reference copy -- salmon) are as follows:

1. Title, page 1, line 5.
Following: "PROCEDURES;"
Insert: "ESTABLISHING TEMPORARY REPORTING REQUIREMENTS;"

2. Page 5, line 22.
Following: "holes"
Insert: ","

3. Page 6.
Following: line 15

Insert: "NEW SECTION. **Section 2. Reporting requirements.** (1) On or before September 1, 2011, January 1, 2012, April 1, 2012, June 1, 2012, September 1, 2012, and January 1, 2013, the department of labor and industry shall report on the number of jobs that have been created in Montana as a result of passage of [this act] to:

(a) the governor's office of economic development; and

(b) the environmental quality council.

(2) If requested, the governor's office of economic development shall assist the department of labor and industry in preparing the report."

Renumber: subsequent sections

April 21, 2011

The Honorable Jim Peterson
President of the Senate State Capitol
Helena, MT 59620

Dear President Peterson:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return with amendments Senate Bill No. 297 (SB 297), **"AN ACT DEFINING "COAL BENEFICIATION PLANT"; EXCLUDING COAL BENEFICIATION PLANTS FROM PERMITTING AND REGULATION UNDER THE MONTANA STRIP AND UNDERGROUND MINING RECLAMATION ACT; CLARIFYING THAT A COAL PREPARATION FACILITY REGULATED UNDER THAT ACT DOES NOT INCLUDE A FACILITY WHERE COAL IS PREPARED AND THEN CONVERTED INTO ANOTHER ENERGY FORM OR TO A GASEOUS OR LIQUID HYDROCARBON; CLARIFYING THAT A MINING OPERATION DOES NOT INCLUDE A FACILITY OR SURFACE PREMISES WHERE COAL IS CONVERTED INTO ANOTHER ENERGY FORM OR TO A GASEOUS OR LIQUID HYDROCARBON OR A COAL BENEFICIATION PLANT; AMENDING SECTION 82-4-203, MCA; AND PROVIDING AN EFFECTIVE DATE."**

My amendments speak for themselves. Senate Bill 297 was touted by Republican leadership this session as one of ten bills that will bring jobs to Montana. My amendments are simple. They ask the Department of Labor and Industry to report to the Governor's Office of Economic Development and to the Legislature's Environmental Quality Council on a quarterly basis the number of jobs that have been created in Montana as a result of the bill's passage.

I trust the Legislature will be as interested as the rest of Montana in knowing the answer to this question. I ask for your support of my amendments.

Sincerely,

BRIAN SCHWEITZER
GOVERNOR

cc: Legislative Services Division

Report No. 1, April 26, 2011

Governor's recommendations for amendments to **Senate Bill 297** (reference copy -- salmon) are as follows:

1. Title, page 1, line 12.
Following: "PLANT;"
Insert: "ESTABLISHING TEMPORARY REPORTING REQUIREMENTS;"

2. Page 9.
Following: line 2
Insert: "NEW SECTION. **Section 2. Reporting requirements.** (1) On or before September 1, 2011, January 1, 2012, April 1, 2012, June 1, 2012, September 1, 2012, and January 1, 2013, the department of labor and industry shall report on the number of jobs that have been created in Montana as a result of passage of [this act] to:
(a) the governor's office of economic development; and
(b) the environmental quality council.
(2) If requested, the governor's office of economic development shall assist the department of labor and industry in preparing the report."
Renumber: subsequent section

April 21, 2011

The Honorable Jim Peterson
President of the Senate
State Capitol Helena, MT 59620

Dear President Peterson:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return with amendments Senate Bill No. 298 (SB 298), **"AN ACT PROVIDING THAT A GOVERNING BODY MAY NOT DENY A PROPOSED SUBDIVISION BASED SOLELY ON A CERTAIN WILDLAND-URBAN INTERFACE DESIGNATION; AND AMENDING SECTION 76-3-608, MCA."**

Senate Bill 298 seeks to prohibit a local governing body from denying subdivision approval on the grounds that the subdivision contains parcels designated as part of the wildland-urban interface. Development within the wildland-urban interface presents serious risks, challenges, and costs to individuals, homeowners, fire protection agencies, and other governmental agencies charged with public and life safety responsibilities in the face of disasters and emergencies caused by wildfires. I am concerned that SB 298, as presented to me, would disregard these concerns.

My proposed amendment narrows the proscription in the bill so that it applies only if the local governing body has adopted best practices for development within the wildlandurban interface. My amendment safeguards the significant public safety and wildfire protection issues present in SB 298 in its current form.

I respectfully ask for your support of the amendment.

Sincerely,

BRIAN SCHWEITZER
GOVERNOR

cc: Legislative Services Division

Report No. 1, April 26, 2011

Governor's recommendations for amendments to **Senate Bill 298** (reference copy -- salmon) are as follows:

1. Title, page 1, line 4.
Following: "BODY"
Insert: "THAT HAS ADOPTED BEST PRACTICES FOR DEVELOPMENT WITHIN THE WILDLAND-URBAN INTERFACE"

2. Page 1, line 11.
Following: "(1)"
Insert: "(a)"

3. Page 1.
Following: line 14
Insert: "(b)"

4. Page 1, line 16 through line 17.
Strike: "or" on line 16 through "76-13-145" on line 17
Following: line 17
Insert: "(c) A governing body that has adopted best practices for development within the wildland-urban interface consistent with 76-13-104(8)(a) may not deny approval of a proposed subdivision based solely on parcels within the subdivision having been designated as wildland-urban interface parcels under 76-13-145."

April 21, 2011

The Honorable Jim Peterson
President of the Senate
State Capitol
Helena, MT 59620

Dear President Peterson:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return with amendments Senate Bill No. 307 (SB 307), **"AN ACT REVISING THE PRIVATIZATION PLAN REVIEW PROCESS; REQUIRING LEGISLATIVE INTERIM COMMITTEES TO SOLICIT PUBLIC INPUT ON TERMINATING OR PRIVATIZING PROGRAMS; REQUIRING THE LEGISLATIVE AUDITOR TO REVIEW THE RECOMMENDATIONS AND REPORT TO THE LEGISLATURE ON THE ADVANTAGES OR DISADVANTAGES OF TERMINATING OR PRIVATIZING A PROGRAM AND TO PROVIDE THE GOVERNOR WITH A COPY OF THE REPORT; AMENDING SECTIONS 2-8-102,2-8-105,2-8-301, AND 2-8-304, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."**

My amendments accomplish three things. First, in redefining the term "privatize" in current law, SB 307 as presented to me would seek to unconstitutionally transfer the "control or management" of state government to the private sector. Montana's constitution provides that the control and management of government lies with its elected officials who are accountable to the people of Montana, not with the private sector. My amendments strike this unconstitutional provision from the bill.

Second, SB 307 would amend Montana's privatization plan review laws to cut the public out of the process. Currently, members of the public may recommend to the Legislative Audit Committee programs appropriate for privatization. For some unknown reason, SB 307 strikes that provision from current law, and my amendments restore it.

I preface my third amendment by taking note that yesterday, on the floor of the House, the Legislature rejected the negotiated pay plan for state employees. One stated reason was the objection to increasing the salaries of high-paid state workers. What was not stated on the House floor was that while 3-4% of executive branch employees earn in excess of $80,000 annually, a record 20% of legislative branch employees fall in this category.

Therefore, while in its current form, SB 307 establishes a process to encourage the privatization of executive branch agencies, I suggest that it might be more fruitful for the Legislature to first look within its own branch to cut costs and gain efficiencies. My amendments, thus, direct that the privatization review conducted during the interim be limited to a review of options to privatize the legislative branch.

I ask for your favorable consideration of my proposed amendments.

Sincerely,

BRIAN SCHWEITZER
GOVERNOR

cc: Legislative Services Division

Report No. 1, April 26, 2011

Governor's recommendations for amendments to **Senate Bill 307** (reference copy -- salmon) are as follows:

1. Title, line 5.
Following: "REQUIRING"
Insert: "THE"
Strike: "INTERIM COMMITTEES"
Insert: "FINANCE COMMITTEE"

2. Title, line 6.
Following: "PRIVATIZING"
Insert: "LEGISLATIVE"

3. Title, line 9.
Strike: "2-8-102,"
Following: "2-8-105"
Strike: ", 2-8-301,"

4. Page 1, line 14.
Strike: "interim committees"
Insert: "finance committee"

5. Page 1, line 15.
Strike: "each interim"
Insert: "the legislative finance"

6. Page 1, line 16 through line 18.
Strike: "administered" on line 16 through "2" on line 18
Insert: "or portion of a program, as the term is used in 17-7-102, within the legislative branch"

7. Page 1, line 19.
Strike: "interim"
Insert: "legislative finance"

8. Page 1, line 20.
Following: "programs"

Insert: "or portions of programs"

9. Page 1, line 22.
Strike: "interim"
Insert: "legislative finance"
Following: "privatization of a"
Insert: "legislative"

10. Page 1, line 25 through page 2, line 7.
Strike: section 2 in its entirety
Renumber: subsequent sections

11. Page 2, line 21.
Strike: "a legislative interim"
Insert: "the legislative finance"

12. Page 2, line 27 through page 3, line 9.
Strike: section 4 in its entirety
Renumber: subsequent sections

13. Page 3.
Following: line 19
Insert: "(2) Members of the public, elected bargaining agents or employee representatives, elected officials, legislators, and agency directors may submit to the legislative audit committee a request to review programs being conducted under contract by an agency that may be administered more cost- effectively directly by the agency."
Renumber: subsequent subsections

14. Page 3, line 24.
Strike: "(2)(a)"
Insert: "(3)(a)"

15. Page 3, line 26.
Strike: "subsection"
Insert: "subsections"
Following: "~~and (2)~~"
Insert: "and (2) and [section 1]"

16. Page 3, line 27.
Following: "directly by"
Strike: "the agency"
Insert: "an executive branch agency or by the legislative branch"

17. Page 3, line 29.
Strike: "(3)"

Insert: "(4)"

18. Page 4, line 5 through line 6.
Strike: section 6 in its entirety
Insert: "NEW SECTION. **Section 4. Codification instruction.** [Section 1] is intended to be codified as an integral part of Title 5, chapter 12, part 2, and the provisions of Title 5, chapter 12, part 2, apply to [section 1]."

April 21 ,2011

The Honorable Jim Peterson
President of the Senate
State Capitol
Helena, MT 59620

The Honorable Mike Milburn
Speaker of the House
State Capitol
Helena, MT 59620

Dear President Peterson and Speaker Milburn:
In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby veto Senate Bill No. 224 (SB 224), **"AN ACT REQUIRING LEGISLATIVE APPROVAL TO APPLY FOR AND SPEND GRANT MONEY RELATED TO PLANNING FOR OR IMPLEMENTING THE PATIENT PROTECTION AND AFFORDABLE CARE ACT; PROHIBITING THE USE OF BUDGET AMENDMENTS TO AUTHORIZE SPENDING OF GRANTS RELATED TO THE ACT; AMENDING SECTION 17-7-402, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE."**

Senate Bill 224 would put Montana's health care system at a competitive disadvantage with other states by prohibiting a state agency from applying for and spending grant money to plan or implement the federal health care reform act without express legislative authorization. These grant moneys are available, and if Montana does not use them, other states will reap the benefits at our expense. The federal act is in effect, it applies in Montana, federal grant money is available to assist in its implementation, the Montana Legislature meets in regular session only once every two years, some of the grants available under the act fund established programs, and publically funded patient populations such as Medicaid and Medicare recipients will be the losers if opportunities available through federal grants are prohibited. In sum, I believe SB 224 is short-sighted and contrary to the interests of Montana health care consumers.

I respectfully ask that you sustain my veto of SB 224 for the stated reasons.

Sincerely,

BRIAN SCHWEITZER
GOVERNOR

cc: Legislative Services Division

April 21,2011

The Honorable Jim Peterson
President of the Senate State
Capitol Helena, MT 59620

The Honorable Mike Milburn
Speaker of the House
State Capitol Helena, MT 59620

Dear President Peterson and Speaker Milburn:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby veto Senate Bill No. 237 (SB 237), **"AN ACT PROVIDING AUTHORITY FOR TESTING AND PREVALENCE REDUCTION OF BRUCELLOSIS IN LIVESTOCK AND WILDLIFE; ESTABLISHING RESPONSIBILITY FOR TESTING COSTS; REQUIRING REPORTING; PROVIDING RULEMAKING AUTHORITY; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE."**

The intent of SB 237 to reduce the prevalence of brucellosis is laudable. Unfortunately, the requirements contained in the bill do not meet its intent. Senate Bill 237 has the potential to jeopardize the effectiveness of the designated surveillance area (DSA) put in place by the Department of Livestock and approved by the United States Department of Agriculture's Animal and Plant Health Inspection Service. The DSA protects the state's entire livestock industry and has earned the confidence of state veterinarians across the country, most notably from the states that are Montana's closest trade partners. Additionally, while brucellosis prevalence reduction in wildlife is an objective championed by many, there are currently no practical tools available to accomplish prevalence reduction within a wild elk population, particularly when the disease is being perpetuated in Wyoming elk feeding grounds and remains present in Yellowstone National Park bison and elk.

Further, SB 237 creates an additional and unnecessary burden for orders promulgated that specifically address brucellosis. I have already signed into law a bill passed by the 2011 Legislature, HB 54, addressing Department orders for disease control purposes, allowing orders to remain in effect for five years. The policy established in SB 237 regarding and arising out of the same subject is inconsistent with and far more disruptive than the policy established in HB 54, a bill introduced By Request of the Economic Affairs Interim Committee, which notably passed both houses of the Legislature without a dissenting vote.

Notwithstanding my veto, I intend to continue the efforts already made by my administration, which are consistent with the goals of SB 237. I have directed the Departments of Livestock and Fish, Wildlife, and Parks to continue to work together, along with landowners and livestock producers, to develop brucellosis surveillance and risk management plans. This work with landowners will continue to minimize the risk of comingling between livestock and elk and reduce contact during the times of year when brucellosis transmission is most likely. Funding for these risk management activities was included in the budget I submitted to the Legislature and remains in HB 2 at the present time. Finally, I also have directed the Department of Livestock to continue to communicate regularly with affected livestock producers in the DSA about the status of brucellosis and the importance of the DSA in protecting Montana's livestock industry.

For these reasons, I respectfully ask that you sustain my veto of SB 237.

Sincerely,

BRIAN SCHWEITZER
GOVERNOR

cc: Legislative Services Division

April 21,2011

The Honorable Jim Peterson
President of the Senate
State Capitol
Helena, MT 59620

Dear President Peterson:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return with amendments Senate Bill No. 312 (SB 312), **"AN ACT REVISING METAL MINE RECLAMATION LAWS; REQUIRING THAT DRAFT PERMITS BE ISSUED FOR COMPLETE AND COMPLIANT APPLICATIONS; REVISING COORDINATION OF PERMIT REVIEWS WITH THE MONTANA ENVIRONMENTAL POLICY ACT; AND AMENDING SECTIONS 82-4-303, 82-4-305, 82-4-335, 82-4-337, 82-4-342, AND 82-4-353, MCA."**

The primary change to Montana's metal mine reclamation laws under SB 312 is to establish a two-tiered review of an application for an operating permit at the draft and final stages. Under the bill, an environmental analysis of the metal mine reclamation permit will not be conducted until after the draft permit is issued. This provision may be workable.

My first two amendments address provisions in the bill, one which appears to have been an unintentional drafting error and the other which appears to be a problematic and substantive change in the law. First, it appears that the bill mistakenly identifies the trigger for a MEPA (Montana Environmental Policy Act) analysis to be at the time of "issuance of the draft permit as

a final permit." This language does not make sense. A draft permit is not a final permit, and I believe it would be inappropriate and nonsensical to require a MEPA analysis only after the final permit has been issued. My second amendment is sUbstantive. Current law exempts from MEPA a proposed amendment to an operating permit that changes the permit boundary by an expansion of less than 10 acres or 5% of the permitted area, whichever is less. Senate Bill 312 expands the exemption to 50 acres or 10% of the permitted area. I do not believe an expansion of that magnitude should be exempt from environmental analysis. and I, therefore, ask that the requirements of current law be restored.

Finally, SB 312 was touted by Republican leadership this session as one of ten bills that will bring jobs to Montana. My third amendment is simple. It asks the Department of Labor and Industry to report to the Governor's Office of Economic Development and to the Environmental Quality Council on a quarterly basis the number of jobs that have been created in Montana as a result of the bill's passage. I trust the Legislature will be as interested as the rest of Montana in knowing the answer to this question.

I respectfully ask for your concurrence in my proposed amendments.

Sincerely,

BRIAN SCHWEITZER
GOVERNOR

cc: Legislative Services Division

Report No. 1, April 26, 2011

Governor's recommendations for amendments to **Senate Bill 312** (reference copy -- salmon) are as follows:

1. Title, page 1, line 6.
Following: "ACT;"
Insert: "ESTABLISHING TEMPORARY REPORTING REQUIREMENTS;"

2. Page 14, line 8.
Strike: "as" through "permit"

3. Page 18, line 29.
Strike: "50"
Insert: "10"
Strike: "10%"
Insert: "5%"

4. Page 19.
Following: line 23

Insert: "NEW SECTION. **Section 7. Reporting requirements.**(1) On or before September 1, 2011, January 1, 2012, April 1, 2012, June 1, 2012, September 1, 2012, and January 1, 2013, the department of labor and industry shall report on the number of jobs that have been created in Montana as a result of passage of [this act] to:

(a) the governor's office of economic development; and

(b) the environmental quality council.

(2) If requested, the governor's office of economic development shall assist the department of labor and industry in preparing the report."

April 21, 2011

The Honorable Jim Peterson
President of the Senate
State Capitol Helena, MT 59620

The Honorable Mike Milburn
Speaker of the House State Capitol
Helena, MT 59620

Dear President Peterson and Speaker Milburn:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby veto Senate Bill No. 330 (SB 330), **"AN ACT REVISING THE REQUIREMENTS FOR GRANTING A WAIVER FOR NONCOMPLIANCE WITH THE GRADUATED RENEWABLE ENERGY STANDARD; AMENDING SECTIONS 69-3-2004, 69-3-2005, AND 69-3-2006, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE."**

I issue this veto of SB 330 because the bill confuses and undermines the Montana Renewable Power Production and Rural Economic Development Act of 2005. Senate Bill 330 would allow two new waivers from Montana's Renewable Energy Standard (RES) in addition to the two existing cost cap provisions that already allow utilities to apply for a waiver if they cannot find cost-effective renewable energy projects.

The first new waiver standard contained in the bill is based upon a utility's showing of "adverse customer impacts," with no definition as to what constitutes an adverse impact. This waiver standard is so vague that it could completely undermine the 2005 legislation.

Second, SB 330 extends the availability of a waiver by adding a "reasonable price" criterion, which is not connected to the construction of a facility. This waiver extension is further complicated because "reasonable price" is defined in reference to "retail electricity supply rate," which could refer either to the average cost of the commodity purchased by the utility or to the delivered cost the customer pays. Whatever the case, "retail electricity supply rate" is not the same as the "avoided cost," which is the proper yardstick against which any new resource to meet load should be measured.

Renewable generation is one of the true success stories in Montana in recent years. Since enactment of Montana's Renewable Power Production and Rural Economic Development Act, passed by the 2005 Legislature and signed by me into law, Montana has seen over $800 million of capital investment in renewable energy development, the creation of nearly 700 high-paying jobs, and over 400 megawatts of new, installed renewable power capacity. The Act demonstrates that Montana welcomes renewable energy development. Passage of SB 330 is a step backwards from this success.

I respectfully ask that you sustain my veto of SB 330.

Sincerely,

BRIAN SCHWEITZER, GOVERNOR

cc: Legislative Services Division

MESSAGES FROM THE OTHER HOUSE

Governor's amendments to **House bill not** concurred in and transmitted to the Senate: 4/20/2011

HB 59, introduced by Belcourt

Governor's amendments to **House bills** concurred in and transmitted to the Senate for consideration of the Governor's amendments: 4/20/2011

HB 165, introduced by Hollandsworth
HB 565, introduced by Noonan

Conference Committee Report No.1 adopted: 4/26/2011

SB 97, introduced by Shockley

HB 593 - The House acceded to the request of the Senate, dissolved the Conference Committee on House amendments to **HB 593**, and authorized the Speaker to appoint the following **Free** Conference Committee to confer on **HB 593:** 4/20/2011

Representative Ankney, Vice Chair
Representative McChesney
Representative Stahl

Senate bills concurred in and returned to the Senate: 4/20/2011

SB 199, introduced by Balyeat
SB 292, introduced by Olson

SB 406, introduced by Essmann

Senate joint resolution concurred in and returned to the Senate: 4/20/2011

SJR 26, introduced by Lewis

Governor's amendments to **Senate bill** concurred in and returned to the Senate: 4/20/2011

SB 11, introduced by Erickson

Free Conference Committee Report No.1 adopted: 4/20/2011

SB 348, introduced by Barrett
HB 621, introduced by Ankney

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Essmann moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Moore in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HJR 32 - Senator Facey moved **HJR 32** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Shockley, Sonju, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Windy Boy, Wittich, Mr. President.
Total 45

Nays: Priest, Ripley, Steinbeisser, Walker, Zinke.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HJR 39 - Senator Tutvedt moved **HJR 39** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Shockley,

Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Vincent, Vuckovich, Wanzenried, Williams, Windy Boy, Wittich, Mr. President.
Total 44

Nays: Balyeat, Priest, Ripley, Van Dyk, Walker, Zinke.
Total 6

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 423 - **Free Conference Committee Report No. 1** - Senator Essmann moved the Free Conference Committee report to **SB 423** be adopted. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Branae, Brenden, Brown, Buttrey, Essmann, Gillan, Hamlett, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Lewis, Moore, Mowbray, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 34

Nays: Blewett, Caferro, Erickson, Facey, Gallus, Hawks, Kaufmann, Larsen, Moss, Murphy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 16

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Essmann moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. Senate resumed. President Peterson in the chair. Chairman Essmann moved the Committee of the Whole report be adopted. Report adopted as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 42

Nays: Caferro, Erickson, Kaufmann, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 8

Absent or not voting: None.
Total 0

Excused: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 627 concurred in as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HJR 13 concurred in as follows:
Yeas: Arthun, Balyeat, Barrett, Branae, Brenden, Brown, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Mr. President.
Total 43

Nays: Augare, Blewett, Buttrey, Hawks, Murphy, Tropila, Zinke.
Total 7

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 36, **as amended by the Governor**, passed as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 97, **Conference Committee Report No. 1**, adopted as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Vuckovich, Walker, Windy Boy, Wittich, Zinke, Mr. President.
Total 30

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried, Williams.
Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 305, **as amended by the Governor**, passed as follows:
Yeas: Arthun, Balyeat, Barrett, Blewett, Brenden, Brown, Buttrey, Essmann, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 37

Nays: Augare, Branae, Caferro, Erickson, Facey, Gallus, Jent, Kaufmann, Keane, Larsen, Moore, Stewart-Peregoy, Tropila.
Total 13

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 338, **Conference Committee Report No. 1**, adopted as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Caferro, Essmann, Facey, Gallus, Hinkle, Hutton, Jackson, Jent, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tutvedt, Vincent, Walker, Windy Boy, Wittich, Zinke, Mr. President.
Total 34

Nays: Augare, Blewett, Branae, Erickson, Gillan, Hamlett, Hawks, Kaufmann, Keane, Larsen, Moss, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams.
Total 16

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 348, **Free Conference Committee Report No. 1**, adopted as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tutvedt, Vincent, Vuckovich, Walker, Wanzenried, Wittich, Zinke, Mr. President.
Total 44

Nays: Erickson, Kaufmann, Tropila, Van Dyk, Williams, Windy Boy.
Total 6

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJR 15, **as amended by the House**, adopted as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moss, Mowbray, Murphy, Olson, Priest, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich,

Wanzenried, Williams, Windy Boy, Wittich, Mr. President.
Total 46

Nays: Moore, Ripley, Walker, Zinke.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJR 20, **as amended by the House**, adopted as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Caferro, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Mr. President.
Total 28

Nays: Augare, Blewett, Branae, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SPECIAL ORDERS OF THE DAY

Senator Gallus asked whether a decision had been made regarding **HB 627** and the necessity to suspend the Rules. Senator Essmann explained he and the Code Commissioner were in agreement that there is no deadline for amended referendums.

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE
on **House Bill 612**
Report No. 1, April 20, 2011

Mr. President and Mr. Speaker:
We, your Free Conference Committee met and considered **House Bill 612** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 612** (reference copy -- salmon) be amended as follows:

1. Title, page 1, line 6.
Strike: "PREMIUM" through "AND" on line 6

2. Title, page 1, line 8 through line 9.
Strike: "LIMITING" on line 8 through "PROGRAM;" on line 9

3. Title, page 1, line 11.
Strike: "53-6-101,"

4. Page 4, line 17 through line 23.
Strike: subsection (3) in its entirety
Renumber: subsequent subsections

5. Page 5, line 6.
Strike: "(7)"
Insert: "(6)"

6. Page 8, line 5 through page 11, line 2.
Strike: section 3 in its entirety
Renumber: subsequent sections

For the Senate:	For the House:
Lewis, Chair	Roberts, Vice Chair
Priest	Esp
Hamlett	Sesso

MESSAGES FROM THE OTHER HOUSE

HB 307 - The House, on motion duly carried, overrode the Governor's veto on **HB 307** and returned the bill to the Senate.

4/26/2011

HB 483 - The House, on motion duly carried, overrode the Governor's veto on **HB 483** and returned the bill to the Senate.

4/26/2011

HB 342 - The House, on motion duly carried, overrode the Governor's veto on **HB 342** and returned the bill to the Senate.

4/12/2011

ANNOUNCEMENTS

Committee announcements were made by committee chairs.

Senate recessed until 1:00 p.m.

Senate reconvened at 1:03 p.m.

MESSAGES FROM THE GOVERNOR

April 26, 2011

The Honorable Jim Peterson
President of the Senate
State Capitol
Helena, MT 59620

Dear President Peterson:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return with amendments Senate Bill No.100 (SB 100), **"AN ACT PROVIDING FOR DISPOSITION OF COMPENSATORY DAMAGES AND INTEREST FROM ANY LITIGATION RESUL IiNG FROM THE WRONGFUL USE OR OCCUPATION OF STATE LANDS; CLARIFYING LEGISLATIVE APPROPRIATION AUTHORITY; AMENDING SECTION 77-1-117, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."**

My proposed amendments restore SB 100 to its original form, which I informed the sponsor I would support prior to the bill's introduction. To be clear, I have no objection to legislation that would establish a rule for the disposition of compensatory damages in an action for the wrongful use or occupation of state lands in the case of future court proceedings. I object to any suggestion that the bill applies to damage awards in pending cases.

I ask for your support of these amendments, as I oppose the ambiguity created by SB 100 in its present form.

Sincerely,

BRIAN SCHWEITZER
GOVERNOR

cc: Legislative Services Division

Report No. 1, April 26, 2011

Governor's recommendations for amendments to **Senate Bill 100** (reference copy -- salmon) are as follows:

1. Title, line 5.
Following: "~~FUTURE~~"
Insert: "FUTURE"

2. Page 1, line 26.
Strike: "COMPENSATORY DAMAGES AWARDED ON OR"
Insert: "court proceedings commenced"

April 26, 2011

The Honorable Jim Peterson
President of the Senate
State Capitol
Helena, MT 59620

Dear President Peterson:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return with amendments Senate Bill No. 212 (SB 212), **"AN ACT CLARIFYING THE AUTHORITY OF THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS TO MANAGE WILD BUFFALO OR BISON; REQUIRING A MANAGEMENT PLAN BEFORE WILD BUFFALO OR BISON MAY BE RELEASED OR TRANSPLANTED ONTO PRIVATE OR PUBLIC LAND; AMENDING SECTION 87-1-216, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."**

Senate Bill 212 requires the Department of Fish, Wildlife, and Parks (FWP) to develop a management plan before wild bison may be released or transplanted in Montana and describes multiple required components of such a plan. It also grants rule-making authority to address potential damage to persons or property.

FWP has initiated the development of a broad conservation and management plan that will evaluate potential sites for bison in Montana. The plan will take into consideration historical distribution, land ownership, compatibility with current land uses, forage needs, disease risk, measures to address movements, and fair-chase hunting opportunities for the public.
Many ofthe provisions of SB 212 belong in any sensible plan. However, one mandatory provision of the bill (subsection (5)(c) of § 87-1-216, MCA) would make translocation of bison virtually impossible on any state or federal lands currently managed to allow grazing. This subsection would have the effect of eliminating options before they can even be explored, including those associated with tribal lands. My amendments, therefore, propose to strike this provision from the bill. Likewise, containment measures as described in subsection 5(d)(i) of §

87-1-216, MCA, are unrealistic as written, since a guaranteed prevention of estray is impossible for almost any animal, including bison.

Finally, I believe it is important to clarify that FWP has the authority to promulgate rules to authorize the taking of bison when and where necessary to prevent the transmission of a contagious disease by any appropriate means, not just through hunting seasons. Therefore, I am including an amendment to clarify FWP's authority in this regard. The intent is to ensure that all necessary tools are available to FWP to address potential disease conflicts associated with bison, which is important to the long-term sustainability of both livestock and wildlife in Montana. These tools may include "shoot on sight" or similar provisions that may be necessary outside of designated zones.

Sincerely,

BRIAN SCHWEITZER
GOVERNOR

cc: Legislative Services Division

Report No. 1, April 26, 2011

Governor's recommendations for amendments to **Senate Bill 212** (reference copy -- salmon) are as follows:

1. Page 2, line 3.
Following: "87-2-730."
Insert: "The department may, following consultation with the department of livestock, adopt rules to authorize the taking of bison where and when necessary to prevent the transmission of a contagious disease."

2. Page 2, line 19.
Strike: "(5)(D)"
Insert: "(5)(c)"

3. Page 2, line 20 through line 21.
Strike: subsection (C) in its entirety
Renumber: subsequent subsections

4. Page 2, line 24 through line 25.
Strike: "to" on line 24 through "OWNER" on line 25

Senator Essmann announced the Republicans would caucus.

Senator Williams announced the Democrats would caucus.

Senate recessed.

Senate reconvened at 1:31p.m.

BILLS AND JOURNALS: 4/26/2011

Signed by the Speaker at 1:20 p.m., April 26, 2011: **SB 207**, **SB 215**, **SB 283**, **SB 299**, **SB 331**, **SB 411**, **SB 429**.
Signed by the President at 4:30 p.m., April 25, 2011: **SB 207**, **SB 215**, **SB 283**, **SB 299**, **SB 331**, **SB 411**, **SB 429**.
Signed by the Secretary of the Senate at 3:35 p.m., April 19, 2011: **SB 207**, **SB 215**, **SB 283**, **SB 299**, **SB 331**, **SB 411**, **SB 429**.
Signed by the Speaker at 8:45 a.m., April 26, 2011: **SB 132**, **SB 143**, **SB 198**, **SB 225**, **SB 354**, **SJR 17**, **SJR 18**.
Signed by the Secretary of the Senate at 2:40 p.m., April 20, 2011: **SB 132**, **SB 143**, **SB 198**, **SB 225**, **SB 354**, **SJR 17**, **SJR 18**, **SR 20**, **SR 23**.
Signed by the President at 4:15 p.m., April 25, 2011: **SB 132**, **SB 143**, **SB 198**, **SB 225**, **SB 354**, **SJR 17**, **SJR 18**, **SR 20**, **SR 23**.
Delivered to the Governor for approval at 3:57 p.m., April 26, 2011: **SB 132**, **SB 143**, **SB 198**, **SB 207**, **SB 215**, **SB 225**, **SB 283**, **SB 299**, **SB 331**, **SB 354**, **SB 411**, **SB 429**.

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Balyeat, Chairman): 4/26/2011
HJR 33, be concurred in. Report adopted.

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE
on **Senate Bill 372**
Report No. 1, April 26, 2011

Mr. President and Mr. Speaker:
We, your Free Conference Committee met and considered **Senate Bill 372** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 372** (reference copy -- salmon) be amended as follows:

1. Title, page 1, line 10.
Following: "PROGRAM,"
Insert: "TO COUNTY SCHOOL RETIREMENT AND COUNTY TRANSPORTATION REIMBURSEMENT,"

2. Title, page 1, line 14.
Following: "17-7-502,"

Insert: "20-9-501,"
Strike: "AND"
Following: "20-9-630,"
Insert: "AND 20-10-146,"
Following: "~~IMMEDIATE~~"
Insert: "AN"

3. Title, page 1, line 15.
Strike: "DATES"
Insert: "DATE,"
Strike: "AND"
Following: "DATE"
Insert: ", AND A TERMINATION DATE"

4. Page 11, line 4.
Following: "section"
Insert: ", the amounts determined under [section 3(2)] for local governments,"
Strike: "and"

5. Page 11, line 5.
Following: "(8)"
Insert: ", and the amounts determined under [section 3(4)] for tax increment financing districts"

6. Page 11, line 8.
Strike: "The"
Insert: "Except for the distribution made under [section 3(2)(b)], the"

7. Page 12, line 18.
Strike: "If"
Insert: "Except for a tax increment financing district entitled to a reimbursement under [section 3(4)], if"

8. Page 12, line 22.
Strike: "One-half"
Insert: "Except for the reimbursement made under [section 3(4)(b)], one-half"

9. Page 16, line 18.
Following: "school district,"
Insert: "the county retirement fund under 20-9-501, the countywide school transportation reimbursement under 20-10-146,"

10. Page 17, line 5 through line 7.
Strike: subsection (c) in its entirety

11. Page 17, line 13.
Strike: "AUGUST 1"
Insert: "November 30"

12. Page 18, line 2 through line 4.
Strike: subsection (c) in its entirety

13. Page 18, line 11.
Following: "department"
Insert: "of administration"
Strike: "distribute"
Insert: "transfer"
Following: "(5)(b)"
Insert: "from the general fund to the state special revenue fund"

14. Page 18, line 13.
Strike: "THE"
Insert: "Beginning in fiscal year 2013, the department of administration shall transfer the"

15. Page 18, line 13 through line 14.
Strike: "ARE" on line 13 through "17-7-502," on line 14
Strike: "DEPARTMENT" through "REGENTS" on line 14
Insert: "state special revenue fund"

16. Page 18.
Following: line 15
Insert: "(6) (a) The office of public instruction shall distribute the reimbursement to the countywide retirement fund under 20-9-501 for fiscal year 2012 and all other fiscal years in which rate reductions occur. One-half of the amount must be distributed in November and the remainder in May.

(b) For fiscal year 2012 and all other fiscal years in which rate reductions occur, the department shall determine from the amount calculated under subsection (1) the amount that is attributable to personal property taxes that are not a lien on real property in the county. By November 30 following each of those fiscal years, the office of public instruction shall distribute the amount determined under this subsection (6)(b) to the countywide retirement fund.

(c) The amounts determined under this subsection (6) are statutorily appropriated, as provided in 17-7-502, from the general fund to the office of public instruction for distribution to the countywide retirement account.

(7) (a) The office of public instruction shall distribute the reimbursement to the county transportation reimbursement under 20-10-146 for fiscal year 2012 and all other fiscal years in which rate reductions occur. The reimbursement must be made at the same time as countywide school transportation block grants are distributed under 20-9-632.

(b) For fiscal year 2012 and all other fiscal years in which rate reductions occur, the department shall determine from the amount calculated under subsection (1) the amount that is attributable to personal property taxes that are not a lien on real property in the county. By

November 30 following each of those fiscal years, the office of public instruction shall distribute the amount determined under this subsection (7)(b) to the county transportation reimbursement.

(c) The amounts determined under this subsection (7) are statutorily appropriated, as provided in 17-7-502, from the general fund to the office of public instruction for distribution to the county transportation reimbursement.

17. Page 23.
Following: line 29
Insert: "Section 8. Section 20-9-501, MCA, is amended to read:

"20-9-501. Retirement costs and retirement fund. (1) The trustees of a district or the management board of a cooperative employing personnel who are members of the teachers' retirement system or the public employees' retirement system, who are covered by unemployment insurance, or who are covered by any federal social security system requiring employer contributions shall establish a retirement fund for the purposes of budgeting and paying the employer's contributions to the systems as provided in subsection (2)(a). The district's or the cooperative's contribution for each employee who is a member of the teachers' retirement system must be calculated in accordance with Title 19, chapter 20, part 6. The district's or the cooperative's contribution for each employee who is a member of the public employees' retirement system must be calculated in accordance with 19-3-316. The district's or the cooperative's contributions for each employee covered by any federal social security system must be paid in accordance with federal law and regulation. The district's or the cooperative's contribution for each employee who is covered by unemployment insurance must be paid in accordance with Title 39, chapter 51, part 11.

(2) (a) The district or the cooperative shall pay the employer's contributions to the retirement, federal social security, and unemployment insurance systems from the retirement fund for the following:

(i) a district employee whose salary and health-related benefits, if any health-related benefits are provided to the employee, are paid from state or local funding sources;

(ii) a cooperative employee whose salary and health-related benefits, if any health-related benefits are provided to the employee, are paid from the cooperative's interlocal cooperative fund if the fund is supported solely from districts' general funds and state special education allowable cost payments, pursuant to 20-9-321, or are paid from the miscellaneous programs fund, provided for in 20-9-507, from money received from the medicaid program, pursuant to 53-6-101;

(iii) a district employee whose salary and health-related benefits, if any health-related benefits are provided to the employee, are paid from the district's school food services fund provided for in 20-10-204;

(iv) a district employee whose salary and health-related benefits, if any health-related benefits are provided to the employee, are paid from the district impact aid fund, pursuant to 20-9-514; and

(v) for the 2011 biennium only, a district employee whose salary and health-related benefits, if any health-related benefits are provided to the employee, are budgeted in the district general fund but are paid from state fiscal stabilization funds received pursuant the American Recovery and Reinvestment Act of 2009, Public Law 111-5.

(b) For an employee whose benefits are not paid from the retirement fund, the district or the cooperative shall pay the employer's contributions to the retirement, federal social security, and unemployment insurance systems from the funding source that pays the employee's salary.

(3) The trustees of a district required to make a contribution to a system referred to in subsection (1) shall include in the retirement fund of the final budget the estimated amount of the employer's contribution. After the final retirement fund budget has been adopted, the trustees shall pay the employer contributions to the systems in accordance with the financial administration provisions of this title.

(4) When the final retirement fund budget has been adopted, the county superintendent shall establish the levy requirement by:

(a) determining the sum of the money available to reduce the retirement fund levy requirement by adding:

(i) any anticipated money that may be realized in the retirement fund during the ensuing school fiscal year;

(ii) oil and natural gas production taxes;

(iii) coal gross proceeds taxes under 15-23-703;

(iv) any fund balance available for reappropriation as determined by subtracting the amount of the end-of-the-year fund balance earmarked as the retirement fund operating reserve for the ensuing school fiscal year by the trustees from the end-of-the-year fund balance in the retirement fund. The retirement fund operating reserve may not be more than 35% of the final retirement fund budget for the ensuing school fiscal year and must be used for the purpose of paying retirement fund warrants issued by the district under the final retirement fund budget.

(v) property tax reimbursements made pursuant to [section 3(6)];

~~(v)~~(vi) any other revenue anticipated that may be realized in the retirement fund during the ensuing school fiscal year, excluding any guaranteed tax base aid~~.~~;

(b) notwithstanding the provisions of subsection (9), subtracting the money available for reduction of the levy requirement, as determined in subsection (4)(a), from the budgeted amount for expenditures in the final retirement fund budget.

(5) The county superintendent shall:

(a) total the net retirement fund levy requirements separately for all elementary school districts, all high school districts, and all community college districts of the county, including any prorated joint district or special education cooperative agreement levy requirements; and

(b) report each levy requirement to the county commissioners on the fourth Monday of August as the respective county levy requirements for elementary district, high school district, and community college district retirement funds.

(6) The county commissioners shall fix and set the county levy or district levy in accordance with 20-9-142.

(7) The net retirement fund levy requirement for a joint elementary district or a joint high school district must be prorated to each county in which a part of the district is located in the same proportion as the district ANB of the joint district is distributed by pupil residence in each county. The county superintendents of the counties affected shall jointly determine the net retirement fund levy requirement for each county as provided in 20-9-151.

(8) The net retirement fund levy requirement for districts that are members of special education cooperative agreements must be prorated to each county in which the district is located in the same proportion as the special education cooperative budget is prorated to the

member school districts. The county superintendents of the counties affected shall jointly determine the net retirement fund levy requirement for each county in the same manner as provided in 20-9-151, and the county commissioners shall fix and levy the net retirement fund levy for each county in the same manner as provided in 20-9-152.

(9) The county superintendent shall calculate the number of mills to be levied on the taxable property in the county to finance the retirement fund net levy requirement by dividing the amount determined in subsection (5)(a) by the sum of:

(a) the amount of guaranteed tax base aid that the county will receive for each mill levied, as certified by the superintendent of public instruction; and

(b) the taxable valuation of the district divided by 1,000.

(10) The levy for a community college district may be applied only to property within the district.

(11) The county superintendent of each county shall submit a report of the revenue amounts used to establish the levy requirements for county school funds supporting elementary and high school district retirement obligations to the superintendent of public instruction not later than the second Monday in September. The report must be completed on forms supplied by the superintendent of public instruction.""

Renumber: subsequent sections

18. Page 25.

Following: line 15

Insert: "Section 10. Section 20-10-146, MCA, is amended to read:

"20-10-146. County transportation reimbursement. (1) The apportionment of the county transportation reimbursement by the county superintendent for school bus transportation or individual transportation that is actually rendered by a district in accordance with this title, board of public education transportation policy, and the transportation rules of the superintendent of public instruction must be the same as the state transportation reimbursement payment, except that:

(a) if any cash was used to reduce the budgeted county transportation reimbursement under the provisions of 20-10-144(2)(b), the annual apportionment is limited to the budget amount;

(b) when the county transportation reimbursement for a school bus has been prorated between two or more counties because the school bus is conveying pupils of more than one district located in the counties, the apportionment of the county transportation reimbursement must be adjusted to pay the amount computed under the proration; and

(c) when county transportation reimbursement is required under the mandatory attendance agreement provisions of 20-5-321.

(2) The county transportation net levy requirement for the financing of the county transportation fund reimbursements to districts is computed by:

(a) totaling the net requirement for all districts of the county, including reimbursements to a special education cooperative or prorated reimbursements to joint districts or reimbursements under the mandatory attendance agreement provisions of 20-5-321;

(b) determining the sum of the money available to reduce the county transportation net levy requirement by adding:

(i) anticipated money that may be realized in the county transportation fund during the ensuing school fiscal year;

(ii) oil and natural gas production taxes;

(iii) anticipated local government severance tax payments for calendar year 1995 production;

(iv) coal gross proceeds taxes under 15-23-703;

(v) countywide school transportation block grants distributed under 20-9-632;

(vi) any fund balance available for reappropriation from the end-of-the-year fund balance in the county transportation fund;

(vii) federal forest reserve funds allocated under the provisions of 17-3-213; ~~and~~

(viii) property tax reimbursements made pursuant to [section 3(7)]; and

~~(viii)~~(ix) other revenue anticipated that may be realized in the county transportation fund during the ensuing school fiscal year; and

(c) subtracting the money available, as determined in subsection (2)(b), to reduce the levy requirement from the county transportation net levy requirement.

(3) The net levy requirement determined in subsection (2)(c) must be reported to the county commissioners on the fourth Monday of August by the county superintendent, and a levy must be set by the county commissioners in accordance with 20-9-142.

(4) The county superintendent of each county shall submit a report of the revenue amounts used to establish the levy requirements to the superintendent of public instruction not later than the second Monday in September. The report must be completed on forms supplied by the superintendent of public instruction.

(5) The county superintendent shall apportion the county transportation reimbursement from the proceeds of the county transportation fund. The county superintendent shall order the county treasurer to make the apportionments in accordance with 20-9-212(2) and after the receipt of the semiannual state transportation reimbursement payments.""

Renumber: subsequent sections

19. Page 25, line 24 through line 26.
Strike: section 11 in its entirety

20. Page 25.
Following: line 26

"COORDINATION SECTION. **Section 13. Coordination instruction.** If both Senate Bill No. 329 and [this act] are passed and approved and if both contain a section that amends 20-9-630, then the sections amending 20-9-630 are void and 20-9-630 must be amended as follows:

"20-9-630. School district block grants. (1) (a) The office of public instruction shall provide a block grant to each school district based on:

(i) the revenue received by each district in fiscal year 2001 from vehicle taxes and fees, corporate license taxes paid by financial institutions, aeronautics fees, state land payments in lieu of taxes, and property tax reimbursements pursuant to sections 167(1) through (5) and 169(6), Chapter 584, Laws of 1999; and

(ii) any reimbursement to be made to a school district pursuant to subsection (2).

(b) Block grants must be calculated using the electronic reporting system that is used

by the office of public instruction and school districts. The electronic reporting system must be used to allocate the block grant amount into each district's budget as an anticipated revenue source by fund.

~~(c) With the exception of vehicle taxes and fees, the office of public instruction shall use the amount actually received from the sources listed in subsection (1)(a) in fiscal year 2001 in its calculation of the block grant for fiscal year 2002 budgeting purposes. For vehicle taxes and fees, the office of public instruction shall use 93.4% of the amount actually received in fiscal year 2001 in calculating the block grant for fiscal year 2002.~~

~~(2) If the fiscal year 2003 appropriation provided in section 248(1), Chapter 574, Laws of 2001, is insufficient to fund the school district block grants in fiscal year 2003 at the fiscal year 2002 level, the office of public instruction shall prorate the block grants to meet the remaining appropriation. School districts shall anticipate the prorated block grant amounts provided by the office of public instruction in their budgets for fiscal year 2003.~~

(2) If the legislature enacts a reimbursement provision that is to be distributed pursuant to this section, the office of public instruction shall determine the reimbursement amount as provided in the enactment and add the appropriate amount to block grant distributions under this section. Except for the reimbursement made under [section 3(3)(b) of Senate Bill No. 372], the total of reimbursement distributions made pursuant to this subsection in a fiscal year must be added to all other distributions to the school district in the fiscal year to determine the distribution for the subsequent fiscal year.

(3) Each year, 70% of each district's block grant must be distributed in November and 30% of each district's block grant must be distributed in May at the same time that guaranteed tax base aid is distributed.

(4) (a) The block grant for the district general fund is equal to the ~~average~~ amount received in fiscal ~~years 2002 and 2003~~ year 2011 by the district general fund from the block grants provided for in subsection (1) and the amount received by the district general fund under subsection (2), except the amount received under [section 3(3)(b) of Senate Bill No. 372]. ~~The block grant must be increased by 0.76% in fiscal year 2004 and in each succeeding fiscal year.~~

(b) The block grant for the district transportation fund is equal to ~~one-half of~~ the ~~average~~ amount received in fiscal ~~years 2002 and 2003~~ year 2011 by the district transportation fund from the block grants provided for in subsection (1) and the amount received by the district transportation fund under subsection (2), except the amount received under [section 3(3)(b) of Senate Bill No. 372]. ~~The block grant must be increased by 0.76% in fiscal year 2004 and in each succeeding fiscal year.~~

(c) (i) The combined fund block grant is equal to the ~~average~~ amount received in fiscal ~~years 2002 and 2003 by the district tuition, bus depreciation reserve, building reserve, nonoperating, and adult education funds from the block grants provided for in subsection (1). The block grant must be increased by 0.76% in fiscal year 2004 and in each succeeding fiscal year~~ year 2011 and the amount received under subsection (2), except the amount received under [section 3(3)(b) of Senate Bill No. 372].

(ii) The school district may deposit the combined fund block grant into any budgeted fund of the district."

Insert: "COORDINATION SECTION. **Section 14. Coordination instruction.** If both House Bill No. 2 and [this act] are passed and approved, then:

(1) the general fund appropriation for BASE aid in House Bill No. 2 of $526,495,288 is decreased by $1,803,873 in fiscal year 2013;

(2) the general fund appropriation for HB 124 Block Grants in House Bill No. 2 of $52,150,510 is increased by $6,444,852 in fiscal year 2013; and

(3) [section 3(3)(c), (6)(c), and (7)(c) and section 7 of this act] are void."

Renumber: subsequent sections

21. Page 26, line 2 through line 3.
Strike: "DATES" on line 2
Insert: "date"
Strike: "(1)" on line 2
Strike: "EXCEPT" on line 2 through "ACT]" on line 3
Insert: "[This act]"

22. Page 26, line 4.
Strike: "(2)" through "2011."

23. Page 26.
Following: line 7
Insert: "NEW SECTION. **Section 18. Termination.** [Section 3(3)(c), (6)(c), and (7)(c) and section 7] terminate June 30, 2013."

For the Senate:	For the House:
Tutvedt, Chair	Blasdel, Vice Chair
Lake	Lavin

FREE CONFERENCE COMMITTEE
on **Senate Bill 426**
Report No. 1, April 26, 2011

Mr. President and Mr. Speaker:
We, your Free Conference Committee met and considered **Senate Bill 426** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 426** (reference copy -- salmon) be amended as follows:

1. Page 1, line 30.
Strike: "of the excess ~~revenue~~ BALANCE"
Insert: "to be refunded"

2. Page 2, line 1 through line 2.
Following: "to" on line 1
Insert: "total"
Strike: "collections" on line 1
Insert: "that was assessed, other than local option vehicle tax under 61-3-537,"
Following: "and" on line 1

Insert: "total"
Strike: "FROM MONTANA RESIDENTS" on lines 1 and 2
Insert: "for the same fiscal year as the general fund balance"

3. Page 2, line 4.
Following: "taxes"
Insert: "paid"

4. Page 2, line 5.
Strike: "for the property tax year beginning"

5. Page 2, line 7 through line 8.
Strike: "total" on line 7 through "calendar" on line 8
Insert: "the individual's total property taxes paid on the principal residence in the prior"

6. Page 2, line 10.
Following: "paid"
Insert: "in Montana individual income taxes"

7. Page 2, line 11.
Strike: "on Montana source income"

8. Page 2, lines 13 and 14.
Strike: "total" on line 13 through "previous calendar" on line 14
Insert: "the individual's income taxes paid in the prior"

9. Page 2, line 22.
Following: "section,"

Insert: "the following definitions apply: (a) "Budgeted general fund balance" is a projected general fund balance calculated by the legislative fiscal analyst by August 1 for each fiscal year. In determining the projected general fund balance, the legislative fiscal analyst shall use the appropriate fiscal year amounts as utilized by the legislature in developing the biennial budget. The fiscal year amounts are anticipated revenues and transfers that include the impacts of enacted legislation, established level of appropriations and transfers, anticipated supplemental appropriations, and anticipated reversions. To calculate the projected balance, the legislative fiscal analyst shall add the unassigned fund balance from the most recent completed fiscal year plus the anticipated revenues and transfers less the level of appropriations and transfers, supplemental appropriations, and anticipated reversions for the most recent completed fiscal year.
(b)"
Strike: ""principal"
Insert: ""Principal"

10. Page 2, line 24.
Following: line 23
Insert: "located in Montana and"
Following: "and"
Insert: "includes"

11. Page 3, line 10.
Strike: "a refund"
Insert: "refunds"

12. Page 3, line 13.
Strike: "a refund"
Insert: "refunds"

For the Senate:

Balyeat, Chair
Lake
Hamlett

For the House:

Miller, Vice Chair
Randall

FREE CONFERENCE COMMITTEE
on **House Bill 375**
Report No. 1, April 26, 2011

Mr. President and Mr. Speaker:
We, your Free Conference Committee met and considered **House Bill 375** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 375** (reference copy -- salmon) be amended as follows:

1. Page 1, line 18.
Strike: "1.258%"
Insert: "1.369%"

For the Senate:

Ripley, Chair
Brown
Keane

For the House:

McNutt, Vice Chair
Cook

MOTIONS

Senator Moore moved to override the Governor's veto of **HB 307**. Due to the two-thirds vote requirement, motion **failed** as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hamlett, Hinkle, Hutton,

Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tropila, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 30

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Essmann moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Moore in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 265 - **Free Conference Committee Report No. 1** - Senator Hamlett moved the Free Conference Committee report to **SB 265** be adopted. Motion **failed** as follows:
Yeas: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jackson, Jent, Kaufmann, Keane, Larsen, Moss, Murphy, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 24

Nays: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jones, Lake, Lewis, Moore, Mowbray, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 26

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJR 23 - **House Amendments** - Senator Essmann moved House amendments to **SJR 23** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Essmann,

Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Mr. President.
Total 44

Nays: Caferro, Erickson, Kaufmann, Larsen, Tropila, Zinke.
Total 6

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 59 - **Governor's Amendments** - Senator Vincent moved Governor's amendments to **HB 59 not** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Brenden, Brown, Buttrey, Caferro, Essmann, Gallus, Hamlett, Hinkle, Hutton, Jackson, Jones, Keane, Lake, Larsen, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Windy Boy, Wittich, Zinke, Mr. President.
Total 39

Nays: Branae, Erickson, Facey, Gillan, Hawks, Jent, Kaufmann, Moss, Van Dyk, Wanzenried, Williams.
Total 11

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 122 - **Free Conference Committee Report No. 1** - Senator Balyeat moved the Free Conference Committee report to **HB 122** be adopted. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 165 - **Governor's Amendments** - Senator J. Peterson moved Governor's amendments to **HB 165** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 47

Nays: Brenden, Tropila, Wittich.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 565 - **Governor's Amendments** - Senator Gillan moved Governor's amendments to **HB 565** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 621 - **Free Conference Committee Report No. 1** - Senator Jackson moved the Free Conference Committee report to **HB 621** be adopted. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro,

Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 35 - **Governor's Amendments** - Senator Hamlett moved Governor's amendments to **SB 35** be concurred in. Motion **failed** as follows:
Yeas: Blewett, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jackson, Jent, Kaufmann, Moss, Shockley, Van Dyk, Wanzenried, Williams.
Total 16

Nays: Arthun, Augare, Balyeat, Barrett, Branae, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jones, Keane, Lake, Larsen, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Windy Boy, Wittich, Zinke, Mr. President.
Total 34

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 166 - **Governor's Amendments** - Senator Balyeat moved Governor's amendments to **SB 166** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: Brenden.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 279 - **Governor's Amendments** - Senator Jackson moved Governor's amendments to **SB 279** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Brenden, Brown, Buttrey, Essmann, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Windy Boy, Wittich, Zinke, Mr. President.
Total 39

Nays: Branae, Caferro, Erickson, Facey, Gallus, Kaufmann, Keane, Larsen, Moss, Tropila, Williams.
Total 11

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 312 - **Governor's Amendments** - Senator Vincent moved Governor's amendments to **SB 312 not** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Gallus, Gillan, Hamlett, Hinkle, Hutton, Jackson, Jones, Keane, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tutvedt, Vincent, Vuckovich, Walker, Windy Boy, Wittich, Zinke, Mr. President.
Total 36

Nays: Blewett, Branae, Caferro, Erickson, Facey, Hawks, Jent, Kaufmann, Larsen, Moss, Tropila, Van Dyk, Wanzenried, Williams.
Total 14

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 108 - **Governor's Amendments** - Senator Barrett moved Governor's amendments to **SB 108 not** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Brenden, Brown, Buttrey, Caferro, Essmann, Hamlett,

Hinkle, Hutton, Jackson, Jones, Keane, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tutvedt, Vincent, Vuckovich, Walker, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 36

Nays: Blewett, Branae, Erickson, Facey, Gallus, Gillan, Hawks, Jent, Kaufmann, Larsen, Moss, Tropila, Van Dyk, Wanzenried.
Total 14

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 136 - **Governor's Amendments** - Senator Balyeat moved Governor's amendments to **SB 136 not** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Brenden, Brown, Buttrey, Caferro, Essmann, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Larsen, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tutvedt, Vincent, Vuckovich, Walker, Wanzenried, Windy Boy, Wittich, Zinke, Mr. President.
Total 39

Nays: Blewett, Branae, Erickson, Facey, Gallus, Gillan, Kaufmann, Moss, Tropila, Van Dyk, Williams.
Total 11

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Essmann moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. Senate resumed. President Peterson in the chair. Chairman Moore moved the Committee of the Whole report be adopted. Report adopted as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Essmann, Facey, Gallus, Gillan, Hamlett, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wittich, Zinke, Mr. President.
Total 43

Nays: Erickson, Hawks, Kaufmann, Larsen, Wanzenried, Williams, Windy Boy.
Total 7

Absent or not voting: None.
Total 0

Excused: None.
Total 0

MOTIONS

Senator Barrett moved to override the Governor's veto of **SB 109**. Due to the two-thirds vote requirement, motion **failed** as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hamlett, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 29

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Hamlett moved to change his vote on **SB 312** from No to Yes. Without objection, so ordered.

SPECIAL ORDERS OF THE DAY

SR 14 – Senator Facey moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with Senate Resolution 14. Motion **failed** as follows:
Yeas: Augare, Blewett, Branae, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Shockley, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 24

Nays: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.

Total 26

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SR 15 - Senator Wittich moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with Senate Resolution 15. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moss, Mowbray, Murphy, Priest, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 44

Nays: Barrett, Hinkle, Moore, Olson, Ripley, Wittich.
Total 6

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SR 18 - Senator Facey moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with Senate Resolution 18. Motion carried as follows:
Yeas: Augare, Barrett, Blewett, Branae, Brown, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Jones, Kaufmann, Keane, Larsen, Lewis, Moss, Murphy, Shockley, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 33

Nays: Arthun, Balyeat, Brenden, Buttrey, Hinkle, Hutton, Jackson, Lake, Moore, Mowbray, Olson, Priest, Ripley, Sonju, Steinbeisser, Vincent, Wittich.
Total 17

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Moss and Senator Balyeat gave their farewell comments to the Senate.

ANNOUNCEMENTS

Committee meetings were announced by committee chairs.

Senator Essmann moved the Senate recess until 5:00 p.m. Motion carried.

Senate in recess.

Senate reconvened at 5:11 p.m.

BILLS AND JOURNALS: 4/26/2011

Correctly printed: **HJR 33**, **HJR 38**.
Signed by the Speaker at 4:30 p.m., April 26, 2011: **SB 379**.
Signed by the President at 4:05 p.m., April 26, 2011: **SB 379**.
Signed by the Secretary of the Senate at 12:00 p.m., April 26, 2011: **SB 379**.

MESSAGES FROM THE GOVERNOR

April 26, 2011

The Honorable Jim Peterson
President of the Senate
State Capitol Helena, MT 59620

Dear President Peterson:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return with amendments Senate Bill No. 358 (SB 358), **"AN ACT GENERALLY REVISING TAX INCREMENT FINANCING DISTRICT LAWS; PROVIDING FOR CREATION OF TARGETED ECONOMIC DEVELOPMENT DISTRICTS; ALLOWING COUNTIES TO CREATE TARGETED ECONOMIC DEVELOPMENT DISTRICTS AND TO USE TAX INCREMENT FINANCING; ADDING COMPONENTS THAT MUST BE INCLUDED IN AN URBAN RENEWAL PLAN; REMOVING PROVISIONS FOR CREATION OF AND BONDING IN TECHNOLOGY DISTRICTS, AEROSPACE TRANSPORTATION AND TECHNOLOGY DISTRICTS, AND INDUSTRIAL DISTRICTS; AMENDING SECTIONS 7-15-4282, 7-15-4283, 7-154284,7-15-4286, 7-15-4288, 7-15-4290, 7-15-4292, 7-15-4293, 7-15-4294, 7-15-4301, 7 -15-4302, 7-15-4304, AND 7-15-4324, MCA; REPEALING SECTIONS 7-15-4295, 715-4296,7-15-4297, 7-15-4298, 7-15-4299, AND 17-5-820, MCA; AND PROVIDING AN EFFECTIVE DATE."**

While Senate Bill 358 seeks to make the formation of economic development-related tax increment districts more uniform, the bill, as passed by the Legislature, contains a few problems

that my amendments would rectify. First, my amendments reinstate two essential provisions of existing law that establish "sideboards" to tax increment financing districts (discussed further below). Additionally, my amendments address the following issues that arise with the changes to current law in SB 358, as written:

- the bill endangers the adequate funding of schools in Montana in accordance with constitutional equalization standards;
- the bill does not require economic development planning for the new targeted economic districts sufficient to ensure a well-defined relationship between the growth being planned and the infrastructure to be financed to support that growth;
- the bill allows property that has no relationship to the purposes of a targeted economic development district to be included in a district on an unlimited basis; and
- finally, the bill fails to ensure proper collaboration and accountability among governmental units, tax revenues of which are diverted to use by tax increment districts.

Regarding the two sideboards contained in current law, but omitted from SB 358, my amendments restore the use of the term "secondary" to the definitions of "value-added" and "value-adding" contained in the bill. This will ensure that the underpinning of tax increment financing, to assist value-added industries, remains --consistent with the original purpose of tax increment financing at the time of enactment in 1989 and remaining as its purpose to the present day. Additionally, my amendments restore the current statutory requirement that technology companies hosted by tax increment districts be "basic sector" by requiring that 50% or more of their revenues derive from business out of state.

Second, my amendments make it clear that new property values arising from centrally assessed property (e.g., multi-county pipelines, transmission lines, railroads) cannot be included in targeted economic development districts. Increases in the property values of centrally assessed property essentially are a function of national and international economic factors, not local economic development efforts. Hence, it is not appropriate to include them in the financing of the targeted economic development districts. Further, the inclusion of centrally assessed values in targeted economic development districts would endanger major financing of the State's obligation to equalize the funding of schools.

Third, new targeted economic development districts should be established only where adequate planning has occurred, so as to ensure that reasonable prospects for economic development exist, requiring identified infrastructure needs. Further, as a matter of policy, a tax increment district should be available only where the projected economic and tax value growth of the district is anticipated to be sufficient to finance the projected infrastructure needs. Without this prerequisite, other taxpayers will be treated unfairly in order to finance someone else's infrastructure improvements. My amendments ensure that careful planning occurs before districts are approved in order to protect the sound policy underlying the authorization of tax increment financing districts.

Fourth, properties neither essential to nor deriving benefit from the growth that would occur as a result of the establishment of a tax increment district should not be relied upon to finance the infrastructure. By definition, land taxed on a productivity basis cannot grow in value and be a source of increment for financing new, development related infrastructure. Moreover, residential values do not typically grow because of adjacent industrial growth. Thus, targeted economic development districts should not rely upon either land taxed as residential or land taxed on a productivity basis for more than incidental amounts of value, and my proposed amendments make that clear.

Finally, in the past, as the use of tax increment districts has expanded, controversy as to the uses of those districts also has expanded. As we look to the future, the expansion of tax increment districts can best be accomplished on a stable and wellaccepted basis if major governmental units foregoing revenue to support a district are able to participate in the district's oversight. My proposed amendments provide for that future collaboration, which will ensure the strongest possible base of support for tax increment financing.

While I support the sponsor's intention to make more efficient and consistent the creation of tax increment districts, SB 358 needs strengthening to ensure that its objectives are met in a manner that is well-planned, financially viable, and does not harm other taxing jurisdictions.

I respectfully ask for your support of my proposed amendments.

Sincerely,

BRIAN SCHWEITZER
GOVERNOR

cc: Legislative Services Division

Report No. 1, April 26, 2011

Governor's recommendations for amendments to **Senate Bill 358** (reference copy -- salmon) are as follows:

1. Title, line 6.
Strike: "COUNTIES"
Insert: "LOCAL GOVERNING BODIES"

2. Title, line 11.
Following: "PLAN;"
Insert: "REQUIRING A MUNICIPALITY TO CONDUCT AN ANALYSIS PRIOR TO ADOPTING A RESOLUTION OF NECESSITY; ESTABLISHING TAXING ENTITY COMMITTEES; REQUIRING ANNUAL BUDGETING AND REPORTING; PROVIDING RULEMAKING AUTHORITY;"

3. Page 1, line 25.
Strike: "4"
Insert: "6"

4. Page 2, line 14.
Strike: "projects"
Insert: "industries"

5. Page 2, line 30.
Strike: "this section"
Insert: "[sections 1 through 6]"

6. Page 3, line 2.
Following: "created"
Insert: "through a secondary process"

7. Page 3, line 4.
Following: "produces"
Insert: "secondary"

8. Page 3, line 6.
Following: "adds"
Insert: "secondary"

9. Page 3, line 7.
Following: "wealth"
Insert: "and for which at least 50% of the sales of the business or organization occur outside Montana or the business or organization is a manufacturing company making at least 50% of its sales to other Montana companies that have 50% of their sales occurring outside of Montana"

10. Page 3, line 10.
Following: "district"
Insert: "-- analysis of factors"
Following: "."
Insert: "(1)"

11. Page 3, line 12.
Strike: "(1)"
Insert: "(a)"

12. Page 3, line 13.
Strike: "(2)"
Insert: "(b)"

13. Page 3, line 15.
Following: line 14
Insert: "(2) Before a municipality may adopt a resolution of necessity, it shall analyze the need for economic development within the proposed urban renewal area or targeted economic development district by considering the following matters and shall provide reasonable opportunity for public comment on its analysis:

(a) whether specific infrastructure is required to encourage the location and retention of value-adding industries in the municipality;

(b) whether by developing the specific infrastructure, growth sufficient to finance the identified infrastructure will occur;

(c) the specific identity of potential value-adding industries likely to be encouraged to locate or be retained within the proposed area or district;

(d) whether, if not for the creation of the identified infrastructure, the identified value-adding industries would not locate or be retained in the area or district; and

(e) whether the boundaries of the proposed area or district are sufficiently narrow to accomplish the objectives of the area or district and the purposes described in [section 2] while also protecting the tax base of the municipality. "

Insert: "NEW SECTION. **Section 5. Taxing entity committee.** (1) A municipality that adopts an urban renewal plan or a comprehensive development plan containing a provision for the segregation and application of tax increments pursuant to 7-15-4282 shall create a taxing entity committee to serve in an advisory capacity to the municipality with respect to the district.

(2) A taxing entity committee must consist of not less than five or more than nine members, appointed by the municipality. The committee members shall serve 4-year staggered terms, except that a minority of the initial appointees shall serve 2-year terms. The initial appointments must be made concurrent with the municipality's creation of the urban renewal area or targeted economic development district. At least one committee member must represent each of the following:

(a) an affected school district;

(b) an affected local government;

(c) the local business community; and

(d) the community at-large.

(3) The director of the office of budget and program planning and the director of the department of revenue, or their designees, shall serve as nonvoting, ex-officio members of the taxing entity committee.

(4) The taxing entity committee shall meet at least annually and shall:

(a) consult with and advise the municipality regarding:

(i) the issuance of bonds;

(ii) proposed changes in the infrastructure plans for the district;

(iii) changes in the boundaries of the district;

(iv) whether the goals set out in the urban renewal plan or comprehensive development plan are being attained; and

(v) other matters referred to it by the municipality;

(b) review the status of the urban renewal or economic development project; and

(c) review the annual budget and report required under [section 6]."

Insert: "NEW SECTION. **Section 6. Annual budget and report.** A municipality that

adopts an urban renewal plan or a comprehensive development plan containing a provision for the segregation and application of tax increments pursuant to 7-15-4282 shall prepare and adopt an annual budget of revenue and expenditures for the urban renewal area or targeted economic development district for each fiscal year. The municipality shall consult with the taxing entity committee before finalizing the annual budget of revenue and expenditures."
Renumber: subsequent sections

14. Page 26, line 12.
Following: "financing"
Insert: "-- rulemaking authority"
Following: "."
Insert: "(1)"

15. Page 26, line 18.
Following: line 17
Insert: "(2) A targeted economic development district may include the tax increment financing provision provided for in this section only if:

(a) not more than 5% of the acreage of the land within the district is taxed based on productive capacity; and

(b) not more than 10% of the acreage of land within the district is taxed as class four residential property.

(3) The department of revenue shall adopt rules relating to tax increment financing under part 43 and this part, including but not limited to rules for defining, implementing, and reporting of the tax increment, determining and reporting acreage limits and the operation of the exclusion of classes of property from the increment, and to ensure conformity with the conditions for the creation of creating a tax increment financing district."

16. Page 26, line 21.
Strike: "4"
Insert: "6"

17. Page 26, line 24.
Following: "record"
Insert: ", except that the term does not include the taxable value of taxable property identified in Title 15, chapter 23, that is located within a targeted economic development district"

18. Page 27, line 3.
Following: "provision"
Insert: ", except that the term does not include the taxable value of taxable property identified in Title 15, chapter 23, that is located within a targeted economic development district"

19. Page 27, line 23.
Strike: "4"
Insert: "6"

20. Page 40, line 23.
Strike: "4"
Insert: "6"

21. Page 41, line 4.
Strike: "4"
Insert: "6"

22. Page 41, line 6.
Strike: "4"
Insert: "6"

MOTIONS

Senator Essmann moved to dissolve the Conference Committee on **SB 156** and appoint a **Free** Conference Committee on **SB 156** and request the House to appoint a like committee. Motion Carried. President Peterson appointed:

4/26/2011

Senator Priest, Chair
Senator Ripley
Senator Windy Boy

Senator Essmann moved to appoint a Conference Committee on Governor amendments to **SB 136** and request the House to appoint a like committee. Motion Carried. President Peterson appointed:

4/26/2011

Senator Balyeat, Chair
Senator Hinkle
Senator Vuckovich

Senator Essmann moved to appoint a Conference Committee on **SB 108** and request the House to appoint a like committee. Motion Carried. President Peterson appointed:

4/26/2011

Senator Barrett, Chair
Senator Augare
Senator Tutvedt

Senator Essmann moved to appoint a **Free** Conference Committee on Governor amendments to **SB 312** and request the House to appoint a like committee. Motion Carried. President Peterson appointed:

4/26/2011

Senator Vincent, Chair
Senator Keane
Senator Mowbray

Senator Essmann moved to appoint a **Free** Conference Committee on **SB 35** and request the House to appoint a like committee. Motion Carried. President Peterson appointed:

4/26/2011

Senator Vincent, Chair
Senator Hamlett
Senator Ripley

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Essmann moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Moore in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 212 - **Governor's Amendments** - Senator Ripley moved Governor's amendments to **SB 212** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Blewett, Branae, Buttrey, Caferro, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Larsen, Moore, Mowbray, Murphy, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 40

Nays: Barrett, Brenden, Brown, Erickson, Kaufmann, Lewis, Moss, Olson, Tropila, Wanzenried.
Total 10

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HJR 38 - Senator Tutvedt moved **HJR 38** be concurred in. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Essmann moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Peterson in the chair. Chairman Moore moved the Committee of the Whole report be adopted. Report adopted as follows:
Yeas: Arthun, Balyeat, Barrett, Branae, Brenden, Brown, Buttrey, Caferro, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Lake, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wittich, Zinke, Mr. President.
Total 42

Nays: Augare, Blewett, Erickson, Keane, Larsen, Wanzenried, Williams, Windy Boy.
Total 8

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senate adjourned at 5:27 p.m.

MARILYN MILLER
Secretary of the Senate

JIM PETERSON
President of the Senate

SENATE JOURNAL
62ND LEGISLATURE
EIGHTY-SEVENTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
April 27, 2011 — State Capitol

Senate convened at 8:00 a.m. President Peterson presiding. Invocation by Chaplain Keith Johnson. Pledge of Allegiance to the Flag. Roll Call. All members present, except Senators Caferro and Priest, excused. Quorum present.

Senator Caferro present.

Senator Priest present.

BILLS AND JOURNALS: 4/27/2011

Correctly engrossed: **HJR 38**.
Correctly enrolled: **SJR 15**, **SJR 18**.
Examined by the sponsor and found to be correct: **SB 97**, **SB 338**, **SB 348**, **SJR 15**, **SJR 20**.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 122, **Free Conference Committee Report No. 1**, adopted as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 165, **as amended by the Governor**, concurred in as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser,

Stewart-Peregoy, Tutvedt, Vincent, Vuckovich, Walker, Wanzenried, Williams, Wittich, Zinke, Mr. President.
Total 43

Nays: Blewett, Branae, Brenden, Keane, Tropila, Van Dyk, Windy Boy.
Total 7

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 565, **as amended by the Governor**, concurred in as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 49

Nays: Wittich.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 621, **Free Conference Committee Report No. 1**, adopted as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HJR 32, concurred in as follows:
Yeas: Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Essmann, Facey, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Murphy, Olson, Shockley, Sonju, Stewart-Peregoy, Tropila, Tutvedt, Vincent, Vuckovich, Wanzenried, Williams, Windy Boy, Wittich, Mr. President.
Total 40

Nays: Arthun, Erickson, Gallus, Mowbray, Priest, Ripley, Steinbeisser, Van Dyk, Walker, Zinke.
Total 10

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HJR 38, concurred in as follows:
Yeas: Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Keane, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 27

Nays: Arthun, Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Larsen, Moss, Steinbeisser, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 23

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HJR 39, concurred in as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Branae, Brenden, Brown, Buttrey, Essmann, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Vincent, Vuckovich, Wanzenried, Williams, Wittich, Mr. President.
Total 37

Nays: Blewett, Caferro, Erickson, Facey, Gallus, Kaufmann, Larsen, Priest, Ripley, Van Dyk, Walker, Windy Boy, Zinke.

Total 13

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 166, **as amended by the Governor**, passed as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 48

Nays: Brenden, Gallus.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 212, **as amended by the Governor**, passed as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Brown, Buttrey, Caferro, Essmann, Facey, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 43

Nays: Branae, Brenden, Erickson, Gallus, Kaufmann, Larsen, Moss.
Total 7

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 279, **as amended by the Governor**, passed as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Brenden, Brown, Buttrey, Essmann, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Lake, Lewis, Moore, Mowbray, Murphy,

Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Windy Boy, Wittich, Zinke, Mr. President.
Total 38

Nays: Branae, Caferro, Erickson, Facey, Gallus, Kaufmann, Keane, Larsen, Moss, Tropila, Wanzenried, Williams.
Total 12

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 423, **Free Conference Committee Report No. 1**, adopted as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Branae, Brenden, Brown, Buttrey, Essmann, Gillan, Hamlett, Hinkle, Hutton, Jackson, Jent, Jones, Lake, Lewis, Moore, Mowbray, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 33

Nays: Blewett, Caferro, Erickson, Facey, Gallus, Hawks, Kaufmann, Keane, Larsen, Moss, Murphy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 17

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJR 23, **as amended by the House**, adopted as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Facey, Hamlett, Hinkle, Hutton, Jackson, Jones, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tutvedt, Vincent, Vuckovich, Walker, Wanzenried, Williams, Wittich, Mr. President.
Total 37

Nays: Blewett, Branae, Caferro, Erickson, Gallus, Gillan, Hawks, Jent, Kaufmann, Tropila, Van Dyk, Windy Boy, Zinke.
Total 13

Absent or not voting: None.
Total 0

Excused: None.
Total 0

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE
on **House Bill 316**
Report No. 1, April 26, 2011

Mr. President and Mr. Speaker:
We, your Free Conference Committee met and considered **House Bill 316** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 316** (reference copy -- salmon) be amended as follows:

1. Title, page 1, line 13.
Following: "~~TAXES;~~"
Insert: "REVISING THE ALLOCATION OF METALLIFEROUS MINES LICENSE TAXES;"

2. Title, page 1, line 20.
Following: "~~TAXES;~~"
Insert: "REVISING THE ALLOCATION OF THE LODGING FACILITY USE TAX;"

3. Title, page 1, line 27 through line 28.
Strike: "LIMITING" through "TAXES;"

4. Title, page 1, line 30.
Following: "~~15-37-117,~~"
Insert: "15-37-117,"

5. Title, page 2, line 1.
Following: "~~16-11-119,~~"
Insert: "15-65-121,"

6. Title, page 2, line 3.
Strike: "AN"

7. Title, page 2, line 4.
Strike: "DATE" through "DATE"
Insert: "DATES AND TERMINATION DATES"

8. Page 8, line 25.
Insert: "Section 3. Section 15-37-117, MCA, is amended to read:
"15-37-117. Disposition of metalliferous mines license taxes. (1) Metalliferous mines license taxes collected under the provisions of this part must, in accordance with the provisions of

17-2-124, be allocated as follows:

(a) to the credit of the general fund of the state, ~~57%~~ 60.45% of total collections each year;

(b) to the state special revenue fund to the credit of a hard-rock mining impact trust account, ~~2.5%~~ 2.25% of total collections each year;

(c) to the hard-rock mining reclamation debt service fund established in 82-4-312, 8.5% of total collections each year;

(d) to the natural resources operations state special revenue account established in 15-38-301, ~~7%~~ 6.3% of total collections each year; and

(e) within 60 days of the date the tax is payable pursuant to 15-37-105, to the county or counties identified as experiencing fiscal and economic impacts, resulting in increased employment or local government costs, under an impact plan for a large-scale mineral development prepared and approved pursuant to 90-6-307, in direct proportion to the fiscal and economic impacts determined in the plan or, if an impact plan has not been prepared, to the county in which the mine is located, ~~25%~~ 22.5% of total collections each year, to be allocated by the county commissioners as follows:

(i) not less than 37.5% to the county hard-rock mine trust account established in 7-6-2225; and

(ii) all money not allocated to the account pursuant to subsection (1)(e)(i) to be further allocated as follows:

(A) 33 1/3% is allocated to the county for general planning functions or economic development activities as described in 7-6-2225(3)(c) through (3)(e);

(B) 33 1/3% is allocated to the elementary school districts within the county that have been affected by the development or operation of the metal mine; and

(C) 33 1/3% is allocated to the high school districts within the county that have been affected by the development or operation of the metal mine.

(2) When an impact plan for a large-scale mineral development approved pursuant to 90-6-307 identifies a jurisdictional revenue disparity, the county shall distribute the proceeds allocated under subsection (1)(e) in a manner similar to that provided for property tax sharing under Title 90, chapter 6, part 4.

(3) The department shall return to the county in which metals are produced the tax collections allocated under subsection (1)(e). The allocation to the county described by subsection (1)(e) is a statutory appropriation pursuant to 17-7-502.""

Renumber: subsequent sections

9. Page 20, line 14.

Insert: "Section 6. Section 15-65-121, MCA, is amended to read:

"15-65-121. Distribution of tax proceeds. (1) The proceeds of the tax imposed by 15-65-111 must, in accordance with the provisions of 17-2-124, be deposited in an account in the state special revenue fund to the credit of the department. The department may spend from that account in accordance with an expenditure appropriation by the legislature based on an estimate of the costs of collecting and disbursing the proceeds of the tax. Before allocating the balance of the tax proceeds in accordance with the provisions of 17-2-124 and as provided in subsections (1)(a) through ~~(1)(e)~~ (1)(f) of this section, the department shall determine the expenditures by state agencies for in-state lodging for each reporting period and deduct 4% of that amount from the tax proceeds received each reporting period. The amount deducted must be deposited in the fund or

funds from which in-state lodging expenditures were paid by state agencies. The amount of ~~$400,000~~ $360,000 each year must be deposited in the Montana heritage preservation and development account provided for in 22-3-1004, and the amount of $40,000 each year must be deposited in the state general fund. The balance of the tax proceeds received each reporting period and not deducted pursuant to the expenditure appropriation, deposited in the fund or funds from which in-state lodging expenditures were paid by state agencies, ~~or~~ deposited in the heritage preservation and development account, or deposited in the state general fund under this section is statutorily appropriated, as provided in 17-7-502, and must be transferred to an account in the state special revenue fund to the credit of the department of commerce for tourism promotion and promotion of the state as a location for the production of motion pictures and television commercials, to the Montana historical society, to the university system, and to the department of fish, wildlife, and parks, as follows:

(a) ~~1%~~ 0.9% to the Montana historical society to be used for the installation or maintenance of roadside historical signs and historic sites;

(b) ~~2.5%~~ 2.25% to the university system for the establishment and maintenance of a Montana travel research program;

(c) ~~6.5%~~ 5.85% to the department of fish, wildlife, and parks for the maintenance of facilities in state parks that have both resident and nonresident use;

(d) ~~67.5%~~ 60.75% to be used directly by the department of commerce; ~~and~~

(e) (i) except as provided in subsection (1)(e)(ii), ~~22.5%~~ 20.25% to be distributed by the department to regional nonprofit tourism corporations in the ratio of the proceeds collected in each tourism region to the total proceeds collected statewide; and

(ii) if ~~22.5%~~ 20.25% of the proceeds collected annually within the limits of a city, consolidated city-county, resort area, or resort area district exceeds ~~$35,000~~ $31,500, 50% of the amount available for distribution to the regional nonprofit tourism corporation in the region where the city, consolidated city-county, resort area, or resort area district is located, to be distributed to the nonprofit convention and visitors bureau in that city, consolidated city-county, resort area, or resort area district~~.~~; and

(f) the remainder to be deposited in the state general fund.

(2) If a city, consolidated city-county, resort area, or resort area district qualifies under this section for funds but fails to either recognize a nonprofit convention and visitors bureau or submit and gain approval for an annual marketing plan as required in 15-65-122, then those funds must be allocated to the regional nonprofit tourism corporation in the region in which the city, consolidated city-county, resort area, or resort area district is located.

(3) If a regional nonprofit tourism corporation fails to submit and gain approval for an annual marketing plan as required in 15-65-122, then those funds otherwise allocated to the regional nonprofit tourism corporation may be used by the department of commerce for tourism promotion and promotion of the state as a location for the production of motion pictures and television commercials.""

Renumber: subsequent sections

10. Page 20, line 27 through page 21, line 10.
Strike: section 6 in its entirety
Renumber: subsequent sections

11. Page 39, line 6 through line 7.
Strike: section 12 in its entirety
Renumber: subsequent sections

12. Page 39, line 8.
Insert: "COORDINATION SECTION. **Section 13. Coordination instruction.** If House Bill No. 477 and [this act] are both passed and approved and if both of these bills contain a section that amends 15-65-121, then the sections amending 15-65-121 are void and 15-65-121 must be amended as follows:

"15-65-121. Distribution of tax proceeds. (1) The proceeds of the tax imposed by 15-65-111 must, in accordance with the provisions of 17-2-124, be deposited in an account in the state special revenue fund to the credit of the department. The department may spend from that account in accordance with an expenditure appropriation by the legislature based on an estimate of the costs of collecting and disbursing the proceeds of the tax. Before allocating the balance of the tax proceeds in accordance with the provisions of 17-2-124 and as provided in subsections ~~(1)(a)~~ (2)(a) through ~~(1)(e)~~ (2)(g) of this section, the department shall determine the expenditures by state agencies for in-state lodging for each reporting period and deduct 4% of that amount from the tax proceeds received each reporting period. The amount deducted must be deposited in the fund or funds from which in-state lodging expenditures were paid by state agencies. The amount of ~~$400,000~~ $360,000 each year must be deposited in the Montana heritage preservation and development account provided for in 22-3-1004, and the amount of $40,000 each year must be deposited in the state general fund.

(2) The balance of the tax proceeds received each reporting period and not deducted pursuant to the expenditure appropriation, deposited in the fund or funds from which in-state lodging expenditures were paid by state agencies, ~~or~~ deposited in the heritage preservation and development account, or deposited in the state general fund under this section ~~is statutorily appropriated, as provided in 17-7-502, and~~ must be transferred to an account in the state special revenue fund to the credit of the department of commerce for tourism promotion and promotion of the state as a location for the production of motion pictures and television commercials, to the Montana historical interpretation state special revenue account, to the Montana historical society, to the university system, and to the department of fish, wildlife, and parks, as follows:

(a) ~~1%~~ 0.9% to the Montana historical society to be used for the installation or maintenance of roadside historical signs and historic sites;

(b) ~~2.5%~~ 2.25% to the university system for the establishment and maintenance of a Montana travel research program;

(c) ~~6.5%~~ 5.85% to the department of fish, wildlife, and parks for the maintenance of facilities in state parks that have both resident and nonresident use;

(d) ~~67.5%~~ 58.41% to be used directly by the department of commerce; ~~and~~

(e) (i) except as provided in subsection ~~(1)(e)(ii)~~ (2)(e)(ii), ~~22.5%~~ 20.25% to be distributed by the department to regional nonprofit tourism corporations in the ratio of the proceeds collected in each tourism region to the total proceeds collected statewide; and

(ii) if ~~22.5%~~ 20.25% of the proceeds collected annually within the limits of a city, consolidated city-county, resort area, or resort area district exceeds ~~$35,000~~ $31,500, 50% of the amount available for distribution to the regional nonprofit tourism corporation in the region where the city, consolidated city-county, resort area, or resort area district is located, to be distributed to

the nonprofit convention and visitors bureau in that city, consolidated city-county, resort area, or resort area district;

(f) 2.34% to the Montana historical interpretation state special revenue account established in [section 1 of House Bill No. 477]; and

(g) the remainder to be deposited in the general fund.

~~(2)~~(3) If a city, consolidated city-county, resort area, or resort area district qualifies under this section for funds but fails to either recognize a nonprofit convention and visitors bureau or submit and gain approval for an annual marketing plan as required in 15-65-122, then those funds must be allocated to the regional nonprofit tourism corporation in the region in which the city, consolidated city-county, resort area, or resort area district is located.

~~(3)~~(4) If a regional nonprofit tourism corporation fails to submit and gain approval for an annual marketing plan as required in 15-65-122, then those funds otherwise allocated to the regional nonprofit tourism corporation may be used by the department of commerce for tourism promotion and promotion of the state as a location for the production of motion pictures and television commercials.

(5) The tax proceeds received that are transferred to a state special revenue account pursuant to subsections (2)(a) through (2)(e) are statutorily appropriated to the entities as provided in 17-7-502.

(6) The tax proceeds received that are transferred to the Montana historical interpretation state special revenue account pursuant to subsection (2)(f) are subject to appropriation by the legislature.""

Insert: "COORDINATION SECTION. **Section 14. Coordination instruction.** If House Bill No. 477 and [this act] are both passed and approved and if both of these bills contain a section that amends 15-65-121, then the sections amending 15-65-121 are void and 15-65-121 must be amended as follows:

"15-65-121. Distribution of tax proceeds. (1) The proceeds of the tax imposed by 15-65-111 must, in accordance with the provisions of 17-2-124, be deposited in an account in the state special revenue fund to the credit of the department. The department may spend from that account in accordance with an expenditure appropriation by the legislature based on an estimate of the costs of collecting and disbursing the proceeds of the tax. Before allocating the balance of the tax proceeds in accordance with the provisions of 17-2-124 and as provided in subsections ~~(1)(a)~~ (2)(a) through ~~(1)(e)~~ (2)(f) of this section, the department shall determine the expenditures by state agencies for in-state lodging for each reporting period and deduct 4% of that amount from the tax proceeds received each reporting period. The amount deducted must be deposited in the fund or funds from which in-state lodging expenditures were paid by state agencies. The amount of $400,000 each year must be deposited in the Montana heritage preservation and development account provided for in 22-3-1004.

(2) The balance of the tax proceeds received each reporting period and not deducted pursuant to the expenditure appropriation, deposited in the fund or funds from which in-state lodging expenditures were paid by state agencies, or deposited in the heritage preservation and development account ~~is statutorily appropriated, as provided in 17-7-502, and~~ must be transferred to an account in the state special revenue fund to the credit of the department of commerce for tourism promotion and promotion of the state as a location for the production of motion pictures and television commercials, to the Montana historical interpretation state special revenue account,

to the Montana historical society, to the university system, and to the department of fish, wildlife, and parks, as follows:

(a) 1% to the Montana historical society to be used for the installation or maintenance of roadside historical signs and historic sites;

(b) 2.5% to the university system for the establishment and maintenance of a Montana travel research program;

(c) 6.5% to the department of fish, wildlife, and parks for the maintenance of facilities in state parks that have both resident and nonresident use;

(d) ~~67.5%~~ 64.9% to be used directly by the department of commerce; ~~and~~

(e) (i) except as provided in subsection ~~(1)(e)(ii)~~ (2)(e)(ii), 22.5% to be distributed by the department to regional nonprofit tourism corporations in the ratio of the proceeds collected in each tourism region to the total proceeds collected statewide; and

(ii) if 22.5% of the proceeds collected annually within the limits of a city, consolidated city-county, resort area, or resort area district exceeds $35,000, 50% of the amount available for distribution to the regional nonprofit tourism corporation in the region where the city, consolidated city-county, resort area, or resort area district is located, to be distributed to the nonprofit convention and visitors bureau in that city, consolidated city-county, resort area, or resort area district; and

(f) 2.6% to the Montana historical interpretation state special revenue account established in [section 1 of House Bill No. 477].

~~(2)~~(3) If a city, consolidated city-county, resort area, or resort area district qualifies under this section for funds but fails to either recognize a nonprofit convention and visitors bureau or submit and gain approval for an annual marketing plan as required in 15-65-122, then those funds must be allocated to the regional nonprofit tourism corporation in the region in which the city, consolidated city-county, resort area, or resort area district is located.

~~(3)~~(4) If a regional nonprofit tourism corporation fails to submit and gain approval for an annual marketing plan as required in 15-65-122, then those funds otherwise allocated to the regional nonprofit tourism corporation may be used by the department of commerce for tourism promotion and promotion of the state as a location for the production of motion pictures and television commercials.

(5) The tax proceeds received that are transferred to a state special revenue account pursuant to subsections (2)(a) through (2)(e) are statutorily appropriated to the entities as provided in 17-7-502.

(6) The tax proceeds received that are transferred to the Montana historical interpretation state special revenue account pursuant to subsection (2)(f) are subject to appropriation by the legislature."

{Internal References to 15-65-121:
15-65-122x 15-65-131x 15-65-131x 17-7-502x }

Renumber: subsequent sections

13. Page 39, line 13.
Strike: "date"
Insert: "dates"
Strike: "[This act] "
Insert: "(1) Except as provided in subsection (2), [this act]"

14. Page 39, line 14.
Following: line 13
Insert: "(2) The amendments to 15-65-121 contained in [section 14] are effective July 1, 2014."

15. Page 39, line 15 through 16.
Strike: "EXCEPT" on page 39, line 15 through "TERMINATES" on line 16

Insert: "[Sections 1, 2, 4, 5, and 7 through 12] terminate"

16. Page 39, line 17.
Strike: "[SECTION 6] TERMINATES"
Insert: "[Sections 3 and 6 and the amendments to 15-65-121 contained in section 13] terminate"

For the Senate:

Lewis, Chair
Zinke

For the House:

McNutt, Vice Chair
Esp

FREE CONFERENCE COMMITTEE
on **House Bill 611**
Report No. 1, April 27, 2011

Mr. President and Mr. Speaker:
We, your Free Conference Committee met and considered **House Bill 611** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 611** (reference copy -- salmon) be amended as follows:

1. Title, page 1, line 4.
Strike: "VARIOUS"

2. Title, page 1, line 5.
Strike: "TO" through "ACT"

3. Title, page 1, line 6 through line 8.
Strike: "PROVIDING" on page 1, line 6 through "PAYMENT;" on line 8

4. Title, page 1, line 10.
Following: "~~COMMERCE;~~"
Insert: "REVISING THE USE OF THE RESEARCH AND COMMERCIALIZATION ACCOUNT TO INCLUDE THE DEPARTMENT OF AGRICULTURE;"

5. Title, page 1, line 10 and 11.
Strike: "," on line 10 through "20-9-516~~;~~," on line 11
Following: "~~90-1-203,~~"

Insert: "AND 90-3-1003,"

6. Page 2, line 5 through page 5, line 17.
Strike: section 2 through section 3 in their entirety
Renumber: subsequent sections

7. Page 6, line 28.
Insert: "Section 2**.** Section 90-3-1003, MCA, is amended to read:

"90-3-1003. Research and commercialization account -- use. (1) The research and commercialization account provided for in 90-3-1002 is statutorily appropriated, as provided in 17-7-502, to the board of research and commercialization technology, provided for in 2-15-1819, for the purposes provided in this section.

(2) The establishment of the account in 90-3-1002 is intended to enhance the economic growth opportunities for Montana and constitute a public purpose.

(3) The account may be used only for:

(a) loans that are to be used for research and commercialization projects to be conducted at research and commercialization centers located in Montana;

(b) grants that are to be used for production agriculture research, development, and commercialization projects, clean coal research and development projects, or renewable resource research and development projects to be conducted at research and commercialization centers located in Montana;

(c) matching funds for grants from nonstate sources that are to be used for research and commercialization projects to be conducted at research and commercialization centers located in Montana; ~~or~~

(d) the Montana food and agricultural development program provided for in 80-11-901; or

~~(d)~~(e) administrative costs that are incurred by the board in carrying out the provisions of this part.

(4) At least ~~20%~~ $195,000 of the account funds ~~approved for research and commercialization projects~~ must be ~~directed~~ distributed on an annual basis to the department of agriculture to support and administer the Montana food and agricultural development program provided for in 80-11-901 ~~toward projects that enhance production agriculture~~.

(5) (a) At least 30% of the account funds approved for research and commercialization projects must be directed toward projects that enhance clean coal research and development or renewable resource research and development.

(b) If the board is not in receipt of a qualified application for a project to enhance clean coal research and development or renewable resource research and development, subsection (5)(a) does not apply.

(6) An applicant for a grant shall provide matching funds from nonstate sources equal to 25% of total project costs. The requirement to provide matching funds is a qualifier, but not a criterion, for approval of a grant.

(7) The board shall establish policies, procedures, and criteria that achieve the objectives in its research and commercialization strategic plan for the awarding of grants and loans. The criteria must include:

(a) the project's potential to diversify or add value to a traditional basic industry of the state's economy;

(b) whether the project shows promise for enhancing technology-based sectors of Montana's economy or promise for commercial development of discoveries;

(c) whether the project employs or otherwise takes advantage of existing research and commercialization strengths within the state's public university and private research establishment;

(d) whether the project involves a realistic and achievable research project design;

(e) whether the project develops or employs an innovative technology;

(f) verification that the project activity is located within the state;

(g) whether the project's research team possesses sufficient expertise in the appropriate technology area to complete the research objective of the project;

(h) verification that the project was awarded based on its scientific merits, following review by a recognized federal agency, philanthropic foundation, or other private funding source; and

(i) whether the project includes research opportunities for students.

(8) The board shall direct the state treasurer to distribute funds for approved projects. Unallocated interest and earnings from the account must be retained in the account. Repayments of loans and any agreements authorizing the board to take a financial right to licensing or royalty fees paid in connection with the transfer of technology from a research and commercialization center to another nonstate organization or ownership of corporate stock in a private sector organization must be deposited in the account.

(9) The board shall refer grant applications to external peer review groups. The board shall compile a list of persons willing to serve on peer review groups for purposes of this section. The peer review group shall review the application and make a recommendation to the board as to whether the application for a grant should be approved. The board shall review the recommendation of the peer review group and either approve or deny a grant application.

(10) The board shall identify whether a grant or loan is to be used for basic research, applied research, or some combination of both. For the purposes of this section, "applied research" means research that is conducted to attain a specific benefit or solve a practical problem and "basic research" means research that is conducted to uncover the basic function or mechanism of a scientific question.

(11) For the purposes of this section:

(a) "clean coal research and development" means research and development of projects that would advance the efficiency, environmental performance, and cost-competitiveness of using coal as an energy source well beyond the current level of technology used in commercial service;

(b) "renewable resource research and development" means research and development that would advance:

(i) the use of any of the sources of energy listed in 69-3-2003(10) to produce electricity; and

(ii) the efficiency, environmental performance, and cost-competitiveness of using renewable resources as an energy source well beyond the current level of technology used in commercial service.""

Renumber: subsequent sections

8. Page 6, line 29 through line 30.
Strike: section 4 in its entirety

For the Senate:

Ripley, Chair
Jones

For the House:

McGillvray, Vice Chair
Esp
Mehloff

MESSAGES FROM THE OTHER HOUSE

Governor's amendments to **Senate bills not** concurred in and returned to the Senate: 4/26/2011

SB 106, introduced by Priest
SB 125, introduced by Wittich
SB 229, introduced by Sonju
SB 277, introduced by Moore
SB 356, introduced by Hamlett
SB 366, introduced by Vincent

Governor's amendments to **House bill not** concurred in: 4/26/2011

HB 551, introduced by Flynn

Senate bill not concurred in and returned to the Senate: 4/26/2011

SB 94, introduced by Erickson

SB 108 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following Conference Committee to meet with a like committee from the Senate to confer on House amendments to **SB 108:**

4/26/2011

Representative Welborn, Vice Chair
Representative Cuffe
Representative Wilmer

SB 136 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following Conference Committee to meet with a like committee from the Senate to confer on House amendments to **SB 136:**

4/26/2011

Representative Kennedy, Vice Chair
Representative Knudsen
Representative Philips

SB 312 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following **Free** Conference Committee to meet with a like committee from the Senate to confer on **SB 312:**

4/26/2011

Representative Belcourt, Vice Chair
Representative Ankney
Representative J. Bennett

SB 35 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following **Free** Conference Committee to meet with a like committee from the Senate to confer on **SB 35:**

4/26/2011

Representative McNutt, Vice Chair
Representative J. Bennett
Representative Reinhart

MOTIONS

Senator Vincent moved that **HB 174** be taken from Judiciary and brought before the Committee of the Whole and be placed on second reading on April 27, 2011.

Motion **passed** as follows:
Yeas: Arthun, Balyeat, Barrett, Blewett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Mowbray, Murphy, Olson, Priest, Shockley, Sonju, Steinbeisser, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 26

Nays: Augare, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moore, Moss, Ripley, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 24

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Shockley moved that **SB 100** be moved to the next agenda. Without objection, so ordered.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Essmann moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Tutvedt in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HJR 33 - Senator Mowbray moved **HJR 33** be concurred in. Motion carried as follows:
Yeas: Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Gallus, Hamlett, Hinkle, Jackson, Jones, Lake, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Ripley, Shockley, Steinbeisser, Tutvedt, Vincent, Walker, Wanzenried, Wittich, Zinke, Mr. President.
Total 28

Nays: Arthun, Augare, Blewett, Branae, Caferro, Erickson, Facey, Gillan, Hawks, Hutton, Jent, Kaufmann, Keane, Larsen, Priest, Sonju, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Williams, Windy Boy.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 29 - **Governor's Amendments** - Senator Moss moved Governor's amendments to **SB 29** be concurred in. Motion carried as follows:
Yeas: Augare, Blewett, Branae, Caferro, Erickson, Essmann, Facey, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Lake, Larsen, Moss, Mowbray, Murphy, Olson, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Mr. President.
Total 28

Nays: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Gallus, Hinkle, Keane, Lewis, Moore, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Windy Boy, Wittich, Zinke.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 372 - Senator Tutvedt moved consideration of **SB 372** be placed at the bottom of the second reading board. Motion carried.

SB 426 - **Free Conference Committee Report No. 1** - Senator Balyeat moved the Free Conference Committee report to **SB 426** be adopted. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju,

Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Sonju assumed the chair.

Senator Gillan rose on a point of personal privilege regarding the accuracy of a statement made by Senator Balyeat.

Senator Kaufmann rose on a point of personal privilege regarding a characterization made regarding SB 426.

SB 372 - **Free Conference Committee Report No. 1** - Senator Tutvedt moved the Conference Committee report to **SB 372** be adopted. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Buttrey, Essmann, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Windy Boy, Wittich, Zinke, Mr. President.
Total 30

Nays: Augare, Blewett, Branae, Brown, Caferro, Erickson, Facey, Gallus, Gillan, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams.
Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Essmann moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. Senate resumed. President Peterson in the chair. Chairman Tutvedt moved the Committee of the Whole report be adopted. Report adopted as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro,

Essmann, Gallus, Gillan, Hamlett, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Ripley, Shockley, Sonju, Steinbeisser, Tropila, Tutvedt, Vincent, Walker, Williams, Wittich, Zinke, Mr. President.
Total 36

Nays: Erickson, Facey, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Priest, Stewart-Peregoy, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 14

Absent or not voting: None.
Total 0

Excused: None.
Total 0

MESSAGES FROM THE OTHER HOUSE

Senate amendments to House bills concurred in: 4/27/2011

HB 526, introduced by Edmunds
HB 627, introduced by J. Bennett

Senate amendments to House joint resolution concurred in: 4/27/2011

HJR 13, introduced by Hansen

Senate amendments **not** concurred in: 4/27/2011

HB 439, introduced by Hollenbaugh

Free Conference Committee Report No.1 adopted: 4/27/2011
SB 265, introduced by Hamlett
SB 423, introduced by Essmann
HB 122, introduced by Malek
HB 612, introduced by Roberts

Governor's amendments to **House bills** concurred in and transmitted to the Senate for consideration of the Governor's amendments:
4/27/2011

HB 2, introduced by McNutt
HB 100, introduced by Vance
HB 310, introduced by Blyton
HB 533, introduced by Berry

ANNOUNCEMENTS

Committee meetings were announced by committee chairs.

Senator Wanzenried inquired about the revenue estimates. President Peterson stated the revenue estimate currently contained in HB 2 remains the same. President Peterson anticipated receiving an updated status report on HB 2 and the companion bills.

Senator Williams expressed her concerns about adjourning sine die without having agreed upon revenue estimates.

Senator Essmann moved the Senate recess until 1:00 p.m. Motion carried.

Senate in recess.

Senate reconvened at 12:58 p.m.

BILLS AND JOURNALS: 4/27/2011

Correctly engrossed: **HJR 33**.
Correctly enrolled: **SB 423**, **SJR 23**.
Examined by the sponsor and found to be correct: **SB 423**, **SJR 23**, **SR 15**, **SR 18**.
Signed by the Speaker at 9:50 a.m., April 27, 2011: **SJR 26**.
Signed by the President at 8:45 a.m., April 27, 2011: **SJR 26**.
Signed by the Secretary of the Senate at 12:00 p.m., April 26, 2011: **SJR 26**.
Signed by the Speaker at 9:50 a.m., April 27, 2011: **SB 11**, **SB 126**, **SB 153**, **SB 187**, **SB 221**, **SB 294**, **SB 326**, **SB 351**, **SB 417**.
Signed by the President at 8:45 a.m., April 27, 2011: **SB 11**, **SB 126**, **SB 153**, **SB 187**, **SB 221**, **SB 294**, **SB 326**, **SB 351**, **SB 417**.
Signed by the Secretary of the Senate at 12:00 p.m., April 26, 2011: **SB 11**, **SB 126**, **SB 153**, **SB 187**, **SB 221**, **SB 294**, **SB 326**, **SB 351**, **SB 417**.
Delivered to the Governor for approval at 10:25 a.m., April 27, 2011: **SB 11**, **SB 126**, **SB 153**, **SB 187**, **SB 221**, **SB 294**, **SB 326**, **SB 351**, **SB 417**.
Signed by the Speaker at 4:30 p.m., April 26, 2011: **SB 379**.
Signed by the President at 4:05 p.m., April 26, 2011: **SB 379**.
Signed by the Secretary of the Senate at 12:00 p.m., April 26, 2011: **SB 379**.
Delivered to the Governor for approval at 9:40 a.m., April 27, 2011: **SB 379**.
Delivered to the Secretary of State at 12:18 p.m., April 27, 2011: **SJR 26**.

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE
on **Senate Bill 35**
Report No. 1, April 27, 2011

Mr. President and Mr. Speaker:
We, your Free Conference Committee met and considered **Senate Bill 35** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 35** (reference copy -- salmon) be amended as follows:

1. Page 1, line 22.
Following: "met;"
Insert: "and"

2. Page 1, line 23 through line 28.
Strike: line 23 through line 28 in their entirety

3. Page 1, line 29.
Strike: "(e)"
Insert: "(c)"

4. Page 1, line 30 through page 2, line 1.
Strike: "; and" on page 1, line 30 through "time" on page 2, line 1

5. Page 2, line 2.
Strike: "historic and future"
Insert: "process for the"

6. Page 2, line 4.
Following: line 3
Insert: "(3) Nothing in [sections 1 through 9] diminishes the state's ownership of the beds of navigable rivers, streams, or lakes under any other law."

7. Page 2, line 5.
Strike: "For"
Insert: "Solely for"

8. Page 2, line 25.
Strike: "deemed"
Insert: "determined to be"

9. Page 3, line 4.
Strike: "deemed"

Insert: "determined to be"

10. Page 3, line 17 through line 18.
Strike: "The authorization" on line 17 through "met." on line 18

11. Page 4, line 2.
Strike: "deemed"
Insert: "determined to be"

12. Page 4, line 8.
Following: line 7
Insert: "(11) The provisions of this section do not restrict the power of the board to seek adjudication of title pursuant to 77-1-105."

13. Page 4, line 16.
Strike: "deemed"
Insert: "determined to be"

14. Page 5, line 7.
Following: "relocate"
Insert: "or increase the size of"

15. Page 5, line 10.
Following: "relocated"
Insert: "or increased in size"

16. Page 5, line 11.
Strike: "The"
Insert: "Without prior board approval, the"

17. Page 5, line 12.
Following: "may"
Insert: "relocate or"
Following: "if the"
Insert: "relocation or"

18. Page 5, line 13.
Following: "granted"
Strike: "and if"
Insert: ". If the footprint is increased in size,"
Strike: "pays"
Insert: "shall pay"

19. Page 5, line 14.
Strike: "has"

Insert: "shall obtain"

20. Page 5, line 24 through line 25.
Strike: "for water" on line 24 through "water right" on line 25

21. Page 5, line 25.
Following: "relocate"
Insert: "or increase the size of"

For the Senate:	For the House:
Vincent, Chair	McNutt, Vice Chair
Hamlett	J. Bennett
Ripley	Reinhart

CONFERENCE COMMITTEE
on **House amendments to Senate Bill 136**
Report No. 1, April 27, 2011

Mr. President and Mr. Speaker:
We, your Conference Committee met and considered House amendments to **Senate Bill 136** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Bill 136** (reference copy -- salmon) be amended as follows:

1. Page 7, line 20.
Strike: "twice"
Insert: "four times"

For the Senate:	For the House:
Balyeat, Chair	Kennedy, Vice Chair
Hinkle	Knudsen
Vuckovich	Phillips

FREE CONFERENCE COMMITTEE
on **Senate Bill 312**
Report No. 1, April 27, 2011

Mr. President and Mr. Speaker:
We, your Free Conference Committee met and considered **Senate Bill 312** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 312** (reference copy -- salmon) be amended as follows:

1. Page 18, line 29.
Strike: "50"
Insert: "25"

For the Senate:

Vincent, Chair
Keane
Mowbray

For the House:

Belcourt, Vice Chair
Ankney
J. Bennett

FREE CONFERENCE COMMITTEE
on **Senate Bill 329**
Report No. 1, April 27, 2011

Mr. President and Mr. Speaker:
We, your Free Conference Committee met and considered **Senate Bill 329** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 329** (reference copy -- salmon) be amended as follows:

1. Title, page 1, line 7.
Following: "SCHOOLS;"
Insert: "CHANGING THE MONTANA VIRTUAL ACADEMY TO THE MONTANA DIGITAL ACADEMY;"

2. Title, page 1, line 25 through line 26.
Strike: "ELIMINATING" on line 25 through "ACCOUNT;" on line 26

3. Title, page 1.
Following: line 26
Insert: "REVISING THE USE OF THE SCHOOL FACILITY AND TECHNOLOGY ACCOUNT;"

4. Title, page 1, line 29.
Following: "FUND;"
Insert: "REQUIRING A SCHOOL DISTRICT TO REPORT BUDGET AMENDMENTS TO THE LEGISLATURE AND THE BOARD OF PUBLIC EDUCATION; LIMITING A SCHOOL DISTRICT'S ENDING FUND BALANCE TO A SPECIFIC PERCENTAGE; PROVIDING AN APPROPRIATION;"

5. Page 1, line 30.
Strike: "17-7-502,"
Following: "20-3-363,"
Insert: "20-7-102, 20-7-1201,"
Following: "20-9-104,"
Insert: "20-9-161,"

6. Title, page 2, line 1.
Strike: "20-9-622,"
Insert: "20-9-516,"

7. Page 2, line 8.
Strike: "7"
Insert: "8"

8. Page 4, line 1.
Strike: "7"
Insert: "8"

9. Page 4, line 21.
Strike: "7"
Insert: "8"

10. Page 4, line 25.
Strike: "7"
Insert: "8"

11. Page 5, line 16 through page 6, line 18.
Strike: section 2 in its entirety
Renumber: subsequent sections

12. Page 7, line 20.
Strike: "4"
Insert: "3"

13. Page 7, line 21.
Strike: "5"
Insert: "4"

14. Page 9, line 4.
Insert: "(6) The superintendent of public instruction shall continually enhance the statewide data system to support the collection of data from schools, implement a data collection plan to reduce redundant data requests, increase data use from the centralized system by various functions within the office of public instruction, and promote transparency in reporting to schools, school districts, communities, and the public. Actionable data analysis must be produced to promote academic improvement.

(7) The superintendent of public instruction shall gather, maintain, and distribute longitudinal, actionable data in the following areas:

(a) statewide student identifier;
(b) student-level enrollment data, including average daily attendance;
(c) student-level statewide assessment data;
(d) information on untested students;

(e) student-level graduation and dropout data;
(f) ability to match student-level K-12 and higher education data;
(g) a statewide data audit system;
(h) a system to track student achievement with a direct teacher-to-student match to help track, report, and create opportunities for improved individual student performance;
(i) student-level course completion data, including transcripts, to assess career and college readiness; and
(j) student-level ACT results, scholastic achievement test results, and advanced placement exam data.
(8) The superintendent of public instruction shall emphasize the creation of and distribution of individual diagnostic data for each student in a manner that is timely and protects the privacy rights of students and families as they relate to education so that school districts may use the data to support timely academic intervention as needed and to otherwise improve the academic achievement of the students of each school district.
(9) On or before June 30, 2013, the superintendent of public instruction shall begin presenting longitudinal data on academic achievement and shall develop plans for a measurement of growth for the statewide student assessment required by the board of public education."

15. Page 9, line 4.
Insert: "Section 5. Section 20-7-102, MCA, is amended to read:
"20-7-102. Accreditation of schools. (1) The conditions under which each elementary school, each middle school, each junior high school, 7th and 8th grades funded at high school rates, and each high school operates must be reviewed by the superintendent of public instruction to determine compliance with the standards of accreditation. The accreditation status of each school must then be established by the board of public education upon the recommendation of the superintendent of public instruction. Notification of the accreditation status for the applicable school year or years must be given to each district by the superintendent of public instruction.
(2) A school may be accredited for a period consisting of 1, 2, 3, 4, or 5 school years, except that multiyear accreditation may be granted only to schools that are in compliance with 20-4-101.
(3) A nonpublic school may, through its governing body, request that the board of public education accredit the school. Nonpublic schools may be accredited in the same manner as provided in subsection (1).
(4) As used in this section, "7th and 8th grades funded at high school rates" means an elementary school district or K-12 district elementary program whose 7th and 8th grades are funded as provided in 20-9-306~~(14)(c)(ii)~~(14)(a)(iii)(B)."

Insert: "Section 6. Section 20-7-1201, MCA, is amended to read:
"20-7-1201. Montana ~~virtual~~ digital academy -- purposes -- governance. (1) There is a Montana ~~virtual~~ digital academy at a unit of the Montana university system.
(2) The purposes of the Montana ~~virtual~~ digital academy are to:
(a) make distance learning opportunities available to all school-age children through public school districts in the state of Montana;

(b) offer high-quality instructors who are licensed and endorsed in Montana and courses that are in compliance with all relevant education and distance learning rules, standards, and policies; and

(c) emphasize the core subject matters required under the accreditation standards, offer advanced courses for dual credit in collaboration with the Montana university system, and offer enrichment courses.

(3) The Montana ~~virtual~~ digital academy must be governed by a board with equal representation from:

(a) the commissioner of higher education or a designee;

(b) the superintendent of public instruction or a designee;

(c) a Montana-licensed and Montana-endorsed classroom teacher appointed by the board of public education;

(d) a Montana-licensed school district administrator appointed by the board of public education;

(e) a trustee of a Montana school district appointed by the board of public education;

(f) the dean of the school of education of the hosting unit of the Montana university system or a designee as a nonvoting member; and

(g) the two officers provided for in subsection (5) as nonvoting members.

(4) The governing board shall elect a presiding officer and vice presiding officer to 2-year terms without limitation on the number of terms.

(5) The governing board shall hire a program director and a curriculum director who shall serve as chief executive officer and vice chief executive officer respectively on the governing board in a nonvoting capacity. The program director shall develop and, upon approval of the governing board, implement policies and guidelines for the Montana ~~virtual~~ digital academy pertaining to:

(a) course offerings;

(b) software and hardware selection;

(c) instructor selection;

(d) partnering school agreements;

(e) instructor training and curriculum development;

(f) course evaluation;

(g) grant opportunities; and

(h) other activities that are essential to the success of a statewide distance learning program.""

Renumber: subsequent sections

16. Page 9, line 27.
Strike: "8"
Insert: "9"

17. Page 9, line 29.
Strike: "9"
Insert: "10"

18. Page 10, line 13.
Strike: "**ESTIMATION,**"
Following: "**ALLOCATION**"
Strike: "**,**"

19. Page 10, line 13 through line 18.
Strike: subsection (1) through subsection (2) in their entirety
Renumber: subsequent subsections

20. Page 10, line 20.
Strike: "150%"
Insert: "130%"
Following: "MAXIMUM"
Strike: "OR ADOPTED"

21. Page 10, line 26.
Strike: "(3)"
Insert: "(1)"

22. Page 10, line 28.
Strike: "(3)"
Insert: "(1)"
Strike: "STATE GENERAL FUND"
Insert: "guarantee account as provided in 20-9-622"

23. Page 10, line 29.
Strike: "(3)"
Insert: "(1)"
Following: "SHALL"
Insert: "budget and"

24. Page 11, line 1 through line 3.
Strike: subsections (a) and (b) in their entirety
Insert: "(a) for fiscal year 2012, the trustees shall budget in the general fund an amount of oil and natural gas production taxes equal to the lesser of 25% of the total oil and natural gas production taxes received by the district in the prior year or the general fund levy requirement;

(b) for fiscal year 2013, the trustees shall budget in the general fund an amount of oil and natural gas production taxes equal to the lesser of 35% of the total oil and natural gas production taxes received by the district in the prior year or the general fund levy requirement;

(c) for fiscal year 2014, the trustees shall budget in the general fund an amount of oil and natural gas production taxes equal to the lesser of 45% of the total oil and natural gas production taxes received by the district in the prior year or the general fund levy requirement;

(d) for each succeeding fiscal year, the trustees shall budget in the general fund an amount of oil and natural gas production taxes equal to the lesser of 55% of the total oil and

natural gas production taxes received by the district in the prior year or the general fund levy requirement;

(e) oil and natural gas production taxes received by the district must be deposited in the general fund until the budgeted amount is reached; and

(f) all remaining oil and natural gas production tax revenue may be deposited in any budgeted fund.

(6) In any year in which the actual oil and natural gas production taxes received by a school district are less than 50% of the total oil and natural gas production taxes received by the district in the prior year, the district may transfer money from any budgeted fund to its general fund in an amount not to exceed the amount of the shortfall."

Renumber: subsequent subsection

25. Page 11, line 4.
Strike: "JULY 1,"
Insert: "in fiscal year"

26. Page 11, line 5.
Strike: "(3)"
Insert: "(1)"

27. Page 11, line 9.
Strike: "8"
Insert: "9"

28. Page 11, line 11.
Strike: "9"
Insert: "10"

29. Page 11, line 15.
Strike: "COUNTIES AND"

30. Page 11, line 16.
Strike: "NEIGHBORING"
Insert: "contiguous"

31. Page 11, line 19.
Strike: "7(5)"
Insert: "8(3)"
Strike: "20-9-104(6)"
Insert: "[section 7]"

32. Page 11, line 20.
Strike: "COUNTY OR"

33. Page 12, line 10.
Strike: "20-9-104(6)"
Insert: "[section 7]"

Strike: "7(5)"
Insert: "8(3)"

34. Page 12, line 12.
Strike: "20-9-104(6)"
Insert: "[section 7]"
Strike: "7(5)"
Insert: "8(3)"

35. Page 13, line 6.
Insert: "Section 11. Section 20-9-161, MCA, is amended to read:

"20-9-161. Definition of budget amendment for budgeting purposes. As used in this title, unless the context clearly indicates otherwise, the term "budget amendment" for the purpose of school budgeting means an amendment to an adopted budget of the district for the following reasons:

(1) an increase in the enrollment of an elementary or high school district that is beyond what could reasonably have been anticipated at the time of the adoption of the budget for the current school fiscal year whenever, because of the enrollment increase, the district's budget for any or all of the regularly budgeted funds does not provide sufficient financing to properly maintain and support the district for the entire current school fiscal year;

(2) the destruction or impairment of any school property necessary to the maintenance of the school, by fire, flood, storm, riot, insurrection, or act of God, to an extent rendering school property unfit for its present school use;

(3) a judgment for damages against the district issued by a court after the adoption of the budget for the current year;

(4) an enactment of legislation after the adoption of the budget for the current year that imposes an additional financial obligation on the district;

(5) the receipt of:

(a) a settlement of taxes protested in a prior school fiscal year;

(b) taxes from a prior school fiscal year as the result of a tax audit by the department of revenue or its agents;

(c) delinquent taxes from a prior school fiscal year; and

(d) a determination by the trustees that it is necessary to expend all or a portion of the taxes received under subsection (5)(a), (5)(b), or (5)(c) for a project or projects that were deferred from a previous budget of the district; or

(6) any other unforeseen need of the district that cannot be postponed until the next school year without dire consequences affecting:

(a) the safety of the students and district employees; or (b) the educational functions of the district. Any budget amendment adopted pursuant to this subsection (6)(b) that in combination with other budget amendments within the same school fiscal year exceeds 10% of the district's adopted general fund budget must be reported by the school district to the

education and local government interim committee and the board of public education with an explanation of why the budget amendment is necessary.""
Renumber: subsequent sections

36. Page 18, line 1.
Following: "(6)"
Insert: "(a)"

37. Page 18, line 2.
Strike: "(a)"
Insert: "(i)"

38. Page 18, line 3.
Strike: "(i)"
Insert: "(A)"
Strike: "$256,256"
Insert: "$256,003"
Strike: "and"

39. Page 18, line 4.
Strike: "(ii)"
Insert: "(B)"
Strike: "$257,870 for each succeeding fiscal year;"
Insert: "$262,224 for fiscal year 2013; and
(C) except as provided in subsection (6)(b), $260,099 for each succeeding fiscal year;"

40. Page 18, line 5.
Strike: "(b)"
Insert: "(ii)"

41. Page 18, line 7.
Strike: "(i)"
Insert: "(A)"
Strike: "$23,056"
Insert: "$23,033"

42. Page 18, line 8.
Strike: "(ii)"
Insert: "(B)"
Strike: "$23,201 for each succeeding fiscal year; and"
Insert: "$23,593 for fiscal year 2013; and
(C) except as provided in subsection (6)(b), $23,402 for each succeeding fiscal year;"

43. Page 18, line 9.
Strike: "(c)"

Insert: "(iii)"

44. Page 18, line 11.
Strike: "(i)"
Insert: "(A)"

45. Page 18, line 12.
Strike: "(A)"
Insert: "(I)"
Strike: "$23,056"
Insert: "$23,033"
Strike: "and"

46. Page 18, line 13.
Strike: "(B)"
Insert: "(II)"
Strike: "$23,201 for each succeeding fiscal year; plus"
Insert: "$23,593 for fiscal year 2013; and
(III) except as provided in subsection (6)(b), $23,402 for each succeeding fiscal year; plus"

47. Page 18, line 14.
Strike: "(ii)"
Insert: "(B)"

48. Page 18, line 16.
Strike: "(A)"
Insert: "(I)"
Strike: "$65,295"
Insert: "$65,231"
Strike: "and"

49. Page 18, line 17.
Strike: "(B)"
Insert: "(II)"
Strike: "$65,706 for each succeeding fiscal year."
Insert: "$66,816 for fiscal year 2013; and
(III) except as provided in subsection (6)(b), $66,275 for each succeeding fiscal year.
(b) If fiscal year 2012 general fund revenue, including transfers in, reflected in the audited comprehensive annual financial report exceeds $1,766,500,000, then the entitlements for fiscal year 2013 in this subsection (6) are the amounts to be paid for succeeding fiscal years."

50. Page 19, line 8.
Following: "(14)"

Insert: "(a)"

51. Page 19, line 10.
Strike: "(a)"
Insert: "(i)"
Strike: "$6,349"
Insert: "$6,343"

52. Page 19, line 11.
Following: "2012"
Insert: ","
Strike: "and"
Strike: "$6,389"
Insert: "$6,497 for fiscal year 2013, and except as provided in subsection (14)(b), $6,444"

53. Page 19, line 14.
Strike: "(b)"
Insert: "(ii)"

54. Page 19, line 15.
Strike: "$4,960"
Insert: "$4,955"

55. Page 19, line 16.
Following: "2012"
Insert: ","
Strike: "and"
Strike: "$4,991"
Insert: "$5,075 for fiscal year 2013, and except as provided in subsection (14)(b), $5,034"

56. Page 19, line 19.
Strike: "(c)"
Insert: "(iii)"

57. Page 19, line 21.
Strike: "(i)"
Insert: "(A)"
Strike: "$4,960"
Insert: "$4,955"
Following: "2012"
Insert: ","
Strike: "and"
Strike: "$4,991"
Insert: "$5,075 for fiscal year 2013, and except as provided in subsection (14)(b), $5,034"

58. Page 19, line 25.
Strike: "(ii)"
Insert: "(B)"
Strike: "$6,349"
Insert: "$6,343"
Following: "2012"
Insert: ","
Strike: "and"
Strike: "$6,389"
Insert: "$6,497 for fiscal year 2013, and except as provided in subsection (14)(b), $6,444"

59. Page 19.
Following: line 28
Insert: "(b) If the fiscal year 2012 general fund revenue, including transfers in, reflected in the audited comprehensive annual financial report exceeds $1,766,500,000, then the entitlements for fiscal year 2013 in this subsection (14) are the amounts to be paid for succeeding fiscal years."

60. Page 24, line 29.
Insert: "Section 19. Section 20-9-516, MCA, is amended to read:

"20-9-516. School facility and technology account. (1) There is a school facility and technology account in the state special revenue fund provided for in 17-2-102. The purpose of the account is to provide money to schools for:

(a) major deferred maintenance;
(b) improving energy efficiency in school facilities;
(c) critical infrastructure in school districts;
(d) emergency facility needs; ~~and~~
(e) technological improvements; and
(f) state reimbursement for school facilities as provided in 20-9-371.

(2) There must be deposited in the account:

(a) an amount of money equal to the income attributable to the difference between the average sale value of 18 million board feet and the total income produced from the annual timber harvest on common school trust lands during the fiscal year;

(b) the mineral royalties transferred from the guarantee account as provided in 20-9-622; and

(c) the rental income received from power site leases as provided in 77-4-208.""
Renumber: subsequent sections

61. Page 24, line 30 through page 25, line 14.
Strike: section 17 in its entirety
Renumber: subsequent sections

62. Page 26, line 9.
Strike: "one-half of"

63. Page 27, line 29.
Insert: "NEW SECTION. **Section 22. Ending fund balance limits.** (1) Beginning July 1, 2016, the combined ending fund balance for all budgeted funds of a school district may not exceed 300% of the maximum general fund budget. The 300% limit is not applicable to the building reserve fund, the debt service fund, or the bus depreciation reserve fund.

(2) The county superintendent shall, upon completion of a school fiscal year, redistribute any amounts in excess of the 300% limit among any other school districts in the same county whose combined ending fund balance for all budgeted funds included in subsection (1) has not exceeded the 300% limit. The county superintendent shall redistribute funds equally to the school districts qualifying for redistribution on a per-quality-educator basis, calculated by dividing the total funds by the total number of quality educators, as defined in 20-4-502, employed by the qualifying school districts in the county in the immediately preceding school fiscal year. School districts receiving the funds may place the funds in any budgeted fund of the district at the discretion of the board of trustees of each district.

(3) Unless an exception is granted under subsection (5), upon completion of a school fiscal year, a school district with combined ending fund balances in excess of the 300% limit shall cooperate with the county superintendent in effectuating the redistribution of excess funds as provided in subsection (2). A school district may make the payment required under this subsection from any fund or funds of the district other than the debt service fund, the building reserve fund, and the bus depreciation reserve fund.

(4) Any funds that cannot be redistributed within a county without causing a school district in the county to exceed the 300% limit must be remitted by the county treasurer to the state for deposit in the guarantee account provided for in 20-9-622.

(5) In accordance with 20-9-161, a school district shall report to the education and local government interim committee for any exception taken to the limits prescribed by subsection (1) of this section.

(6) This section does not apply to school districts that are in a nonoperating status under 20-9-505 or that are in the first year of operation after reopening under 20-6-502 or 20-6-503.

(7) Beginning July 1, 2013, the balance of a school district's flexibility fund may not exceed 150% of the school district's maximum general fund budget."
Insert: "NEW SECTION. **Section 23. Appropriation.** (1) There is appropriated $1 million for fiscal year 2013 from the general fund to the superintendent of public instruction. The purpose of the appropriation is to contribute to interlocal cooperative funds provided for in 20-3-363 to be paid to districts participating in multidistrict cooperatives. The superintendent shall pay to participating districts an amount in proportion to the size of the district's BASE budget compared to the sum of the BASE budgets of participating districts in all multidistrict cooperatives.

(2) By December 31, 2012, the prime applicant of a multidistrict cooperative shall report to the office of public instruction the name of each participating district along with a copy of the finalized agreement pursuant to 20-3-363. The office of public instruction shall pay the district's proportionate share no later than February 1, 2013."
Renumber: subsequent sections

64. Page 28, line 4.
Strike: "4, 5, AND 7 THROUGH 9"

Insert: "3, 4, 8 through 10, and 22"

65. Page 28, line 6.
Strike: "4, 5, AND 7 THROUGH 9"
Insert: "3, 4, 8 through 10, and 22"

66. Page 28, line 7.

"COORDINATION SECTION. **Section 26. Coordination instruction.** If House Bill No. 316 is not passed and approved in a form that reallocates at least 10% of the metalliferous mines license tax allocations in 15-37-117(1)(a), (1)(b), (1)(d), and (1)(e) to the state general fund and at least 10% of the lodging and facility use tax allocations in 15-65-121(1)(a) through (1)(e) to the state general fund, then [section 15 of this act], amending 20-9-306, is void and 20-9-306 is amended as follows:

Insert: **"20-9-306. Definitions.** As used in this title, unless the context clearly indicates otherwise, the following definitions apply:

(1) "BASE" means base amount for school equity.

(2) "BASE aid" means:

(a) direct state aid for 44.7% of the basic entitlement and 44.7% of the total per-ANB entitlement for the general fund budget of a district;

(b) guaranteed tax base aid for an eligible district for any amount up to 35.3% of the basic entitlement, up to 35.3% of the total per-ANB entitlement budgeted in the general fund budget of a district, and 40% of the special education allowable cost payment;

(c) the total quality educator payment;

(d) the total at-risk student payment;

(e) the total Indian education for all payment; and

(f) the total American Indian achievement gap payment.

(3) "BASE budget" means the minimum general fund budget of a district, which includes 80% of the basic entitlement, 80% of the total per-ANB entitlement, 100% of the total quality educator payment, 100% of the total at-risk student payment, 100% of the total Indian education for all payment, 100% of the total American Indian achievement gap payment, and 140% of the special education allowable cost payment.

(4) "BASE budget levy" means the district levy in support of the BASE budget of a district, which may be supplemented by guaranteed tax base aid if the district is eligible under the provisions of 20-9-366 through 20-9-369.

(5) "BASE funding program" means the state program for the equitable distribution of the state's share of the cost of Montana's basic system of public elementary schools and high schools, through county equalization aid as provided in 20-9-331 and 20-9-333 and state equalization aid as provided in 20-9-343, in support of the BASE budgets of districts and special education allowable cost payments as provided in 20-9-321.

(6) "Basic entitlement" means:

(a) for each high school district:

(i) ~~$246,085~~ $256,003 for fiscal year ~~2010~~ 2012; and

(ii) ~~$253,468~~ $260,099 for each succeeding fiscal year;

(b) for each elementary school district or K-12 district elementary program without an approved and accredited junior high school, 7th and 8th grade program, or middle school:

(i) ~~$22,141~~ $23,033 for fiscal year ~~2010~~ 2012;

(ii) ~~$22,805~~ $23,402 for each succeeding fiscal year; and

(c) for each elementary school district or K-12 district elementary program with an approved and accredited junior high school, 7th and 8th grade program, or middle school:

(i) for kindergarten through grade 6 elementary program:

(A) ~~$22,141~~ $23,033 for fiscal year ~~2010~~ 2012; and

(B) ~~$22,805~~ $23,402 for each succeeding fiscal year; plus

(ii) for an approved and accredited junior high school program, 7th and 8th grade program, or middle school:

(A) ~~$62,704~~ $65,231 for fiscal year ~~2010~~ 2012; and

(B) ~~$64,585~~ $66,275 for each succeeding fiscal year.

(7) "Budget unit" means the unit for which the ANB of a district is calculated separately pursuant to 20-9-311.

(8) "Direct state aid" means 44.7% of the basic entitlement and 44.7% of the total per-ANB entitlement for the general fund budget of a district and funded with state and county equalization aid.

(9) "Maximum general fund budget" means a district's general fund budget amount calculated from the basic entitlement for the district, the total per-ANB entitlement for the district, the total quality educator payment, the total at-risk student payment, the total Indian education for all payment, the total American Indian achievement gap payment, and the greater of:

(a) 175% of special education allowable cost payments; or

(b) the ratio, expressed as a percentage, of the district's special education allowable cost expenditures to the district's special education allowable cost payment for the fiscal year that is 2 years previous, with a maximum allowable ratio of 200%.

(10) "Over-BASE budget levy" means the district levy in support of any general fund amount budgeted that is above the BASE budget and below the maximum general fund budget for a district.

(11) "Total American Indian achievement gap payment" means the payment resulting from multiplying $200 times the number of American Indian students enrolled in the district as provided in 20-9-330.

(12) "Total at-risk student payment" means the payment resulting from the distribution of any funds appropriated for the purposes of 20-9-328.

(13) "Total Indian education for all payment" means the payment resulting from multiplying $20.40 times the ANB of the district or $100 for each district, whichever is greater, as provided for in 20-9-329.

(14) "Total per-ANB entitlement" means the district entitlement resulting from the following calculations and using either the current year ANB or the 3-year ANB provided for in 20-9-311:

(a) for a high school district or a K-12 district high school program, a maximum rate of ~~$6,097~~ $6,343 for fiscal year ~~2010~~ 2012 and ~~$6,280~~ $6,444 for each succeeding fiscal year for the first ANB, decreased at the rate of 50 cents per ANB for each additional ANB of the district up through 800 ANB, with each ANB in excess of 800 receiving the same amount of entitlement as the 800th ANB;

(b) for an elementary school district or a K-12 district elementary program without an approved and accredited junior high school, 7th and 8th grade program, or middle school, a

maximum rate of ~~$4,763~~ $4,955 for fiscal year ~~2010~~ 2012 and ~~$4,906~~ $5,034 for each succeeding fiscal year for the first ANB, decreased at the rate of 20 cents per ANB for each additional ANB of the district up through 1,000 ANB, with each ANB in excess of 1,000 receiving the same amount of entitlement as the 1,000th ANB; and

(c) for an elementary school district or a K-12 district elementary program with an approved and accredited junior high school, 7th and 8th grade program, or middle school, the sum of:

(i) a maximum rate of ~~$4,763~~ $4,955 for fiscal year ~~2010~~ 2012 and ~~$4,906~~ $5,034 for each succeeding fiscal year for the first ANB for kindergarten through grade 6, decreased at the rate of 20 cents per ANB for each additional ANB up through 1,000 ANB, with each ANB in excess of 1,000 receiving the same amount of entitlement as the 1,000th ANB; and

(ii) a maximum rate of ~~$6,097~~ $6,343 for fiscal year ~~2010~~ 2012 and ~~$6,280~~ $6,444 for each succeeding fiscal year for the first ANB for grades 7 and 8, decreased at the rate of 50 cents per ANB for each additional ANB for grades 7 and 8 up through 800 ANB, with each ANB in excess of 800 receiving the same amount of entitlement as the 800th ANB.

(15) "Total quality educator payment" means the payment resulting from multiplying $3,036 for fiscal year 2008 and $3,042 for each succeeding fiscal year times the number of full-time equivalent educators as provided in 20-9-327.""

Insert: "COORDINATION SECTION. **Section 27. Coordination instruction.** If [this act] is passed and approved, the general fund appropriation for BASE aid in House Bill No. 2 is increased by $3,419,812."

Renumber: subsequent sections

67. Page 28, line 11.
Strike: "8 AND 9"
Insert: "9 and 10"
Following: "JULY 1,"
Strike: "2012"
Insert: "2013"

68. Page 28.
Following: line 11
Insert: "NEW SECTION. **Section 29. Termination.** [Sections 1, 7, and 8] terminate June 30, 2016."

For the Senate:

Zinke, Chair
Jones
Stewart-Peregoy

For the House:

McGillvray, Vice Chair
Esp

MESSAGES FROM THE GOVERNOR

April 27, 2011

The Honorable Jim Peterson
President of the Senate
State Capitol
Helena, MT 59620

Dear President Peterson:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return with amendments Senate Bill No. 143 (SB 143), **"AN ACT REVISING MONTANA GRIZZLY BEAR POLICY TO AVOID CONFLICTS WITH HUMANS AND LIVESTOCK; AMENDING SECTION 87-5-301, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."**

As delivered to me, SB 143 has the potential to jeopardize any delisting opportunity for grizzly bears by instilling doubt about Montana's ability to demonstrate adequate regulatory mechanisms, one of the central criteria required for delisting. My amendments strike the language that places delisting in Montana at risk, while retaining the primary grizzly bear policy changes contained in the bill.

I respectfully ask for your support of my proposed amendments.

Sincerely,

BRIAN SCHWEITZER
GOVERNOR

cc: Legislative Services Division

Report No. 1, April 27, 2011

Governor's recommendations for amendments to **Senate Bill 143** (reference copy -- salmon) are as follows:

1. Page 1, line 17.
Strike: "to:"
Following: "~~and~~"
Insert: "to protect and conserve the grizzly bear and to"

2. Page 1, line 18.
Strike: "(a)"

3. Page 1, line 19 through line 21.
Strike: "; and" on line 19 through "measures" on line 21

April 27, 2011

The Honorable Jim Peterson
President of the Senate
State Capitol
Helena, MT 59620

Dear President Peterson:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return with amendments Senate Bill No. 225 (SB 225), **"AN ACT REVISING QUALIFYING SMALL POWER PRODUCTION FACILITY LAWS; REQUIRING THE PUBLIC SERVICE COMMISSION TO SET RATES USING AVOIDED COST; REQUIRING THE COMMISSION TO CONSIDER ELECTRICITY SUPPLY RESOURCE PROCUREMENT PLANS AND INTEGRATED LEAST-COST RESOURCE PLANS WHEN CONSIDERING QUALIFYING SMALL POWER PRODUCTION FACILITY APPLICATIONS; ESTABLISHING INTERCONNECTION REQUIREMENTS; AMENDING SECTIONS 69-3-601, 69-3-602, AND 69-3-604, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."**

I offer these amendments to SB 225 to ensure that the law, which implements the federal Public Utility Regulatory Policies Act (PURPA) and related rules in Montana, is consistent with the letter and spirit of that Act.

SB 225 seeks to add criteria to guide the Public Service Commission in setting rates for small power production facilities. The fact is that all states must follow criteria consistent with the federal laws and rules in question. Therefore, to avoid preemption issues, potential litigation, and confusion, I propose eliminating language in the bill that repeats or adds to those federal criteria.

Secondly, the intent of PURPA is to encourage substantial investments in new power facilities. As with any generation facility, these costs can only be recovered over the long term. Therefore, I believe it is a mistake to strike the existing statutory language encouraging long-term contracts, and my amendments restore that language. However, my amendments do not restore the existing statutory language stating that the purpose of long-term contracts is to enhance the economic feasibility of qualifying small production facilities, because that provision has created unnecessary controversy in rate setting cases. The best way to avoid confusion is to limit the criteria that may be used to set rates to those established by PURPA.

I respectfully ask that you sustain my amendment of SB 225 for these reasons.

Sincerely,

BRIAN SCHWEITZER
GOVERNOR

cc: Legislative Services Division

Report No. 1, April 27, 2011

Governor's recommendations for amendments to **Senate Bill 225** (reference copy -- salmon) are as follows:

1. Title, line 6 through line 8.
Strike: "REQUIRING" on line 6 through "APPLICATIONS;" on line 8

2. Page 2, line 2 through line 4.
Strike: subsection (4) in its entirety
Renumber: subsequent subsections

3. Page 2, line 24.
Strike: "69-3-601(5)(a) and (5)(b)"
Insert: "69-3-601(4)(a) and (4)(b)"

4. Page 2, line 26.
Strike: "69-3-601(5)(a) and (5)(b)"
Insert: "69-3-601(4)(a) and (4)(b)"

5. Page 3, line 4.
Strike: "(4)"
Insert: "(5)"

6. Page 3, line 7.
Following: "~~facilities.~~"
Insert: "(2) Long-term contracts for the purchase of electricity by the utility from a qualifying small power production facility must be encouraged."
Renumber: subsequent subsections

7. Page 3, line 10 through line 14.
Strike: "with" on line 10 through "plan" on line 14

MESSAGES FROM THE OTHER HOUSE

Senate joint resolutions concurred in and returned to the Senate: 4/27/2011

SJR 27, introduced by Caferro
SJR 29, introduced by Hinkle
SJR 30, introduced by Windy Boy

Governor's amendments to **Senate bill not** concurred in and returned to the Senate: 4/27/2011

SB 36, introduced by Hamlett

MOTIONS

Senator Essmann moved to appoint a **Free** Conference Committee on **SB 36** and request the House to appoint a like committee. Motion Carried. President Peterson appointed: 4/27/2011

Senator Ripley, Chair
Senator Hamlett
Senator Vincent

Senator Williams announced the Democrats would caucus.

Senator Essmann announced the Republicans would caucus.

Senate in recess.

Senate reconvened at 1:20 p.m.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Essmann moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Tutvedt in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 2 - **Governor's Amendments** - Senator Lewis moved Governor's amendments to **HB 2** be concurred in. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 375 - **Free Conference Committee Report No. 1** - Senator Ripley moved the Free Conference Committee report to **HB 375** be adopted. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 612 - **Free Conference Committee Report No. 1** - Senator Lewis moved the Free Conference Committee report to **HB 612** be adopted. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Gallus, Hamlett, Hinkle, Hutton, Jackson, Jones, Kaufmann, Keane, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Vuckovich, Walker, Wittich, Zinke, Mr. President.
Total 35

Nays: Augare, Blewett, Branae, Facey, Gillan, Hawks, Jent, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried, Williams, Windy Boy.
Total 15

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 611 - **Free Conference Committee Report No. 1** - Senator Ripley moved the Free Conference Committee report to **HB 611** be adopted. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hamlett, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hawks, Hinkle, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Essmann moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. Senate resumed. President Peterson in the chair. Chairman Tutvedt moved the Committee of the Whole report be adopted. Report adopted as follows:
Yeas: Arthun, Balyeat, Barrett, Branae, Brenden, Brown, Buttrey, Essmann, Gallus, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 30

Nays: Augare, Blewett, Caferro, Erickson, Facey, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

MESSAGES FROM THE GOVERNOR

April 27, 2011

The Honorable Jim Peterson
President of the Senate
State Capitol
Helena, MT 59620

Dear President Peterson:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return with amendments Senate Bill No. 207 (SB 207), **"AN ACT CLARIFYING THE REGULATION OF BISON; GRANTING RULEMAKING AUTHORITY TO ESTABLISH A PERMIT AND INSPECTION SYSTEM FOR THE TRANSPORTATION OF BISON; PROVIDING DEFINITIONS; AMENDING SECTIONS 81-1-101, 81-2-120, 81-2-121, 81-3-201, 81-4-603, 81-5-101, AND 85-1104, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."**

While SB 207 attempts to clarify the definitions of bison, wild bison, and domestic bison, including feral domestic bison, the definitions unfortunately remain confusing. My amendments more precisely define "bison" to clarify definitions, remove uncertainty, and better implement the requirements of SB 207.

In addition to clarifying roles and responsibilities of the Departments of Livestock and Fish, Wildlife, and Parks (FWP) related to domestic and wild bison, my amendments also clarify that FWP has the authority to promUlgate rules to authorize the taking of bison when and where necessary to prevent the transmission of a contagious disease by any appropriate means, not just through hunting seasons. The intent is to ensure that all necessary tools are available to FWP to address potential disease conflicts associated with bison, which is important to the long-term sustainability of both livestock and wildlife in Montana. These tools may include "shoot on sight" or similar provisions that may be necessary outside of designated zones.

I respectfully ask for your support of my amendments to SB 207.

Sincerely,

BRIAN SCHWEITZER
GOVERNOR

cc: Legislative Services Division

Report No. 1, April 27, 2011

Governor's recommendations for amendments to **Senate Bill 207** (reference copy -- salmon) are as follows:

1. Title, line 9.
Strike: "AND"
Following: "85-1-104,"
Insert: "AND 87-1-216,"

2. Page 1, line 26.
Following: "domestic bison"
Strike: ","
Insert: "or"
Following: "feral bison"
Strike: ", or wild bison"

3. Page 1, line 27.
Strike: "For the purposes of chapter 9, the"
Insert: "The"
Following: "include"
Insert: ":
(i) wild buffalo or wild bison; or
(ii) for the purposes of chapter 9,"

4. Page 2, line 4.
Strike: ""Wild bison""
Insert: ""Wild buffalo" or "wild bison""
Following: "captivity"
Insert: "and is not owned by a person"

5. Page 2, line 8.
Following: "domestic bison"
Strike: ","
Insert: "or"
Following: "feral bison"
Strike: ", or wild bison"

6. Page 2, line 9.
Strike: "For the purposes of chapter 9, the"
Insert: "The"
Following: "include"
Insert: ":
(i) wild buffalo or wild bison; or
(ii) for the purposes of chapter 9,"

7. Page 2, line 15.
Strike: ""Wild bison""
Insert: ""Wild buffalo" or "wild bison""
Following: "captivity"
Insert: "and is not owned by a person"

8. Page 7.
Following: line 4
Insert: "Section 9. Section 87-1-216, MCA, is amended to read:

"87-1-216. Wild buffalo or bison as species in need of management -- policy -- department duties. (1) The legislature finds that significant potential exists for the spread of contagious disease to persons or livestock in Montana and for damage to persons and property by wild buffalo or bison. It is the purpose of this section:

(a) to designate publicly owned wild buffalo or bison originating from Yellowstone national park as a species requiring disease control;

(b) to designate other wild buffalo or bison as a species in need of management; and

(c) to set out specific duties for the department for management of the species.

(2) The department:

(a) is responsible for the management, including but not limited to public hunting, of wild buffalo or bison in this state that have not been exposed to or infected with a dangerous or contagious disease but may threaten persons or property;

(b) shall consult and coordinate with the department of livestock on implementation of the provisions of subsection (2)(a) to the extent necessary to ensure that wild buffalo or bison remain disease-free; and

(c) shall cooperate with the department of livestock in managing publicly owned wild buffalo or bison that enter the state on public or private land from a herd that is infected with a dangerous disease, as provided in 81-2-120, under a plan approved by the governor. The department of livestock is authorized under the provisions of 81-2-120 to regulate publicly owned wild buffalo or bison in this state that pose a threat to persons or livestock in Montana through the transmission of contagious disease. The department may, after agreement and authorization by the department of livestock, authorize the public hunting of wild buffalo or bison that have been exposed to or infected with a contagious disease, pursuant to 87-2-730. The department may, following consultation with the department of livestock, adopt rules to authorize the taking of bison where and when necessary to prevent the transmission of a contagious disease.

(3) The department may adopt rules with regard to wild buffalo or bison that have not been exposed to or infected with a contagious disease but are in need of management because of potential damage to person or property.

(4) When adopting and implementing rules regarding the special wild buffalo or bison license issued pursuant to 87-2-730, the department shall consult and cooperate with the department of livestock regarding when and where public hunting may be allowed and the safe handling of wild buffalo or bison parts in order to minimize the potential for spreading any contagious disease to persons or to livestock.""
Renumber: subsequent sections

MESSAGES FROM THE OTHER HOUSE

HB 341 - The House, on motion duly carried, overrode the Governor's veto on **HB 341** and returned the bill to the Senate.

4/27/2011

HB 456 - The House, on motion duly carried, overrode the Governor's veto on **HB 456** and returned the bill to the Senate.

4/27/2011

SB 156 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following Free Conference Committee to meet with a like committee from the Senate to confer on **SB 156**:

4/27/2011

Representative Bangerter, Vice Chair
Representative Read
Representative Pease-Lopez

SB 36 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following Free Conference Committee to meet with a like committee from the Senate to confer on **SB 36**:

4/27/2011

Representative McNutt, Vice Chair
Representative Peterson
Representative MacDonald

SPECIAL ORDERS OF THE DAY

Senators Steinbeisser, Hawks, and Shockley gave their farewell remarks to the Senate.

MOTIONS

Senator Jent moved to reconsider action on **SR 14** and that **SR 14** be placed on Order of Business 11 this same day. Motion carried as follows:
Yeas: Augare, Blewett, Branae, Brown, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jackson, Jent, Kaufmann, Keane, Larsen, Moss, Murphy, Shockley, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 26

Nays: Arthun, Balyeat, Barrett, Brenden, Buttrey, Essmann, Hinkle, Hutton, Jones, Lake, Lewis, Moore, Mowbray, Olson, Priest, Ripley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 24

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Hamlett moved to reconsider action on **SB 265** and that **SB 265** be placed on second reading this same day. Motion carried as follows:
Yeas: Augare, Blewett, Branae, Brown, Buttrey, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jackson, Jent, Kaufmann, Keane, Larsen, Moss, Mowbray, Murphy, Olson, Shockley, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke.
Total 30

Nays: Arthun, Balyeat, Barrett, Brenden, Essmann, Hinkle, Hutton, Jones, Lake, Lewis, Moore, Priest, Ripley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Mr. President.
Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

ANNOUNCEMENTS

Committee meetings were announced by committee chairs.

Senator Essmann moved the Senate recess until 5:30 p.m. Motion carried.

Senate in recess.

Senate reconvened at 5:30 p.m.

BILLS AND JOURNALS: 4/27/2011

Correctly printed: **HB 174**.
Correctly enrolled: **SJR 27**, **SJR 29**, **SJR 30**.
Examined by the sponsor and found to be correct: **SJR 27**, **SJR 29**, **SJR 30**.

MOTIONS

Senator Facey moved to pass consideration of **SR 14** until the 88th legislative day. Without objection, so ordered.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Essmann moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Tutvedt in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 100 - **Governor's Amendments** - Senator Shockley moved Governor's amendments to **SB 100** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Blewett, Branae, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 46

Nays: Barrett, Brenden, Ripley, Tropila.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 136 - **Conference Committee Report No. 1** - Senator Balyeat moved the Conference Committee report to **SB 136** be adopted. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: Erickson.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 207 - **Governor's Amendments** - Senator Moore moved Governor's amendments to **SB 207** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: Kaufmann.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 265 - **Free Conference Committee Report No. 1** - Senator Hamlett moved the Free Conference Committee report to **SB 265** be adopted. Motion carried as follows:
Yeas: Augare, Blewett, Branae, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Jackson, Jent, Kaufmann, Keane, Larsen, Moss, Murphy, Olson, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke.
Total 29

Nays: Arthun, Balyeat, Barrett, Brenden, Hinkle, Hutton, Jones, Lake, Lewis, Moore, Mowbray, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Mr. President.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 266 - **Governor's Amendments** - Senator Olson moved Governor's amendments to **SB 266** be concurred in. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Branae, Brenden, Brown, Buttrey, Caferro, Essmann, Gallus, Gillan, Hamlett, Hinkle, Hutton, Jackson, Jones, Keane, Lewis, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Stewart-Peregoy, Vincent, Vuckovich, Walker, Windy Boy, Wittich, Zinke, Mr. President.
Total 33

Nays: Augare, Blewett, Erickson, Facey, Hawks, Jent, Kaufmann, Lake, Larsen, Moore, Moss, Steinbeisser, Tropila, Tutvedt, Van Dyk, Wanzenried, Williams.

Total 17

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 533 - **Governor's Amendments** - Senator Brown moved Governor's amendments to **HB 533** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brown, Buttrey, Caferro, Essmann, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Larsen, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 45

Nays: Brenden, Erickson, Facey, Kaufmann, Moss.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 174 - Senator Vincent moved **HB 174** be concurred in.

HB 174 - Senator Vincent moved **HB 174**, second reading copy, be amended as follows:

1. Page 1.
Following: line 25
Insert: "COORDINATION SECTION. **Section 2. Coordination instruction.** If both Senate Bill No. 124 and [this act] are passed and approved, then [section 33 of Senate Bill No. 124] reads as follows:

"NEW SECTION. **Section 33. Unlawful use of equipment while hunting.** (1) A person may not:

(a) hunt or attempt to hunt any game animal or game bird by the aid or with the use of any snare, except as allowed in 87-3-127 and 87-3-128, set gun, projected artificial light, trap, salt lick, or bait;

(b) use any recorded or electrically amplified bird or animal calls or sounds or recorded or electrically amplified imitations of bird or animal calls or sounds to assist in the hunting, taking, killing, or capturing of wildlife except predatory animals and those birds not protected by state or federal law;

(c) while hunting, possess any electronic motion-tracking device or mechanism, as defined by commission rule, that is designed to track the motion of a game animal and relay information on the animal's movement to the hunter. A radio-tracking collar attached to a dog that is used by a hunter engaged in lawful hunting activities is not considered a motion-tracking device or mechanism for purposes of this subsection (1)(c).

(d) while hunting, use archery equipment that has been prohibited by rule of the commission;

(e) use a shotgun to hunt deer or elk except with weapon type and loads as specified by the department;

(f) use a rifle to hunt or shoot upland game birds unless the use of rifles is permitted by the department. This does not prohibit the shooting of wild waterfowl from blinds over decoys with a shotgun only, not larger than a number 10 gauge, fired from the shoulder.

(g) use a rifle to hunt or shoot wild turkey during the spring wild turkey season.

(2) A person convicted of a violation of this section shall be fined not less than $50 or more than $1,000 or be imprisoned in the county detention center for not more than 6 months, or both. In addition, the person, upon conviction or forfeiture of bond or bail, may be subject to forfeiture of any current hunting, fishing, or trapping license issued by this state and the privilege to hunt, fish, or trap in this state or to use state lands, as defined in 77-1-101, for recreational purposes for a period of time set by the court.

(3) A person convicted of hunting while using projected artificial light as described in subsection (1)(a) may be subject to the additional penalties provided in [sections 63 and 64].

(4) A violation of this section may also result in an order to pay restitution pursuant to [sections 67 through 69]""

Renumber: subsequent sections

Amendment adopted as follows:
Yeas: Arthun, Balyeat, Barrett, Blewett, Brenden, Brown, Buttrey, Erickson, Essmann, Facey, Hamlett, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Van Dyk, Vincent, Walker, Wittich, Zinke.
Total 32

Nays: Augare, Branae, Caferro, Gallus, Gillan, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Vuckovich, Wanzenried, Williams, Windy Boy, Mr. President.
Total 18

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 174 - Senator Vincent moved **HB 174**, as amended, be concurred in. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Blewett, Brenden, Brown, Buttrey, Essmann, Hinkle, Jackson, Jones, Lake, Lewis, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Tutvedt, Van

Dyk, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 27

Nays: Augare, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jent, Kaufmann, Keane, Larsen, Moore, Moss, Steinbeisser, Stewart-Peregoy, Tropila, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 23

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Essmann moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Peterson in the chair. Chairman Tutvedt moved the Committee of the Whole report be adopted. Report adopted as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Brenden, Brown, Buttrey, Caferro, Essmann, Facey, Gallus, Hamlett, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Van Dyk, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 35

Nays: Branae, Erickson, Gillan, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 15

Absent or not voting: None.
Total 0

Excused: None.
Total 0

MOTIONS

Senator Augare moved to change his vote on **SB 266** from Yes to No. Without objection, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Essmann moved that the Senate adjourn until 8:00 a.m., Thursday, April 28, 2011. Motion carried.

Senate adjourned at 6:27 p.m.

MARILYN MILLER
Secretary of the Senate

JIM PETERSON
President of the Senate

SENATE JOURNAL
62ND LEGISLATURE
EIGHTY-EIGHTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
April 28, 2011 — State Capitol

Senate convened at 8:00 a.m. President Peterson presiding. Invocation by Chaplain Keith Johnson. Pledge of Allegiance to the Flag. Roll Call. All members present. Quorum present.

BILLS AND JOURNALS: 4/28/2011

Correctly engrossed: **HB 174**.

MOTIONS

Senator Essmann moved the third reading board be moved to the 10:30 agenda. Without objection, so ordered.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Essmann moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Lake in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 271 - **Conference Committee Report No. 1** - Senator Hinkle moved the Conference Committee report to **HB 271** be adopted. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Gillan, Hamlett, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 30

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Essmann moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. Senate resumed. President Peterson in the chair.

Chairman Lake moved the Committee of the Whole report be adopted. Report adopted as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Gallus, Gillan, Hamlett, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 35

Nays: Blewett, Branae, Caferro, Erickson, Facey, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 15

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SPECIAL ORDERS OF THE DAY

Senators Gillan and Gallus gave their farewell remarks to the Senate.

ANNOUNCEMENTS

Committee meetings were announced by committee chairs.

Senator Essmann moved the Senate recess until 10:30 a.m. Motion carried.

Senate in recess.

Senate reconvened at 10:31 a.m.

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE
on **Senate Bill 156**
Report No. 2, April 27, 2011

Mr. President and Mr. Speaker:
We, your Free Conference Committee met and considered **Senate Bill 156** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 156** (reference copy -- salmon) be amended as follows:

1. Title, page 1, line 6.
Following: "PROVIDING AN"
Insert: "IMMEDIATE"

2. Page 2, line 16.
Strike: "July 1, 2011"
Insert: "on passage and approval"

For the Senate:

Priest, Chair
Ripley
Windy Boy

For the House:

Bangerter, Vice Chair
Pease-Lopez
Read

FREE CONFERENCE COMMITTEE
on House Amendments to **Senate Bill 36**
Report No. 1, April 28, 2011

Mr. President and Mr. Speaker:
We, your Free Conference Committee met and considered **Senate Bill 36** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 36** (reference copy -- salmon) be amended as follows:

1. Title, line 8 through line 9.
Strike: "ALLOWING" on page 1, line 8 through "PROCEEDINGS;" on line 9

2. Page 1, line 17 through line 18.
Strike: "The" on line 17 through "proceedings." on line 18

For the Senate:

Ripley, Chair
Hamlett
Vincent

For the House:

McNutt, Vice Chair
MacDonald

MESSAGES FROM THE OTHER HOUSE

Senate amendments to House bill not concurred in: 4/28/2011

HB 439, introduced by Hollenbaugh

Senate joint resolution concurred in and returned to the Senate: 4/28/2011

SJR 28, introduced by Lake

Governor's amendments to **Senate bills** concurred in and returned to the Senate: 4/28/2011

SB 166, introduced by Balyeat
SB 212, introduced by Ripley
SB 279, introduced by Jackson
SB 305, introduced by Jackson

Free Conference Committee Report No.1 adopted: 4/28/2011

SB 35, introduced by Hamlett
SB 136, introduced by Balyeat
SB 312, introduced by Vincent
SB 329, introduced by Zinke
HB 375, introduced by Cook
HB 611, introduced by Cook
SB 372, introduced by Tutvedt
SB 426, introduced by Balyeat

Senate bill not concurred in and returned to the Senate: 4/28/2011

SB 315, introduced by Ripley

Governor's amendments to **House bill** concurred in and transmitted to the Senate for consideration of the Governor's amendments:
4/28/2011

HB 494, introduced by Edmunds

Senator Williams announced the Democrats would caucus.

Senator Essmann announced the Republicans would stand at ease.

Senate in recess.

Senate reconvened at 10:55 a.m.

MOTIONS

Senator Shockley moved to change his vote on **the Committee of the Whole Report** from No to Yes. Without objection, so ordered.

Senator Essmann moved that **HB 2** be removed from third reading and placed on a later

agenda. Without objection, so ordered.

Senator Balyeat moved to override the Governor's veto of **HB 483**.

Senator Balyeat withdrew his motion.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Essmann moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Lake in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 298 - **Governor's Amendments** - Senator Vincent moved Governor's amendments to **SB 298** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: Gallus.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 312 - **Free Conference Committee Report No. 1** - Senator Vincent moved the Free Conference Committee report to **SB 312** be adopted. Motion carried as follows:

Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Gallus, Hamlett, Hinkle, Hutton, Jackson, Jones, Keane, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Vuckovich, Walker, Wittich, Zinke, Mr. President.
Total 32

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gillan, Hawks, Jent, Kaufmann, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried, Williams, Windy Boy.
Total 18

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 329 - **Free Conference Committee Report No. 1** - Senator Zinke moved the Free Conference Committee report to **SB 329** be adopted. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brown, Buttrey, Caferro, Erickson, Essmann, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 31

Nays: Augare, Blewett, Branae, Brenden, Facey, Gallus, Gillan, Kaufmann, Keane, Larsen, Moss, Steinbeisser, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 19

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Essmann moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. Senate resumed. President Peterson in the chair. Chairman Lake moved the Committee of the Whole report be adopted. Report adopted as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Brenden, Brown, Buttrey, Caferro, Essmann, Gallus, Gillan, Hamlett, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Lake, Larsen, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 37

Nays: Blewett, Branae, Erickson, Facey, Hawks, Keane, Moss, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 13

Absent or not voting: None.
Total 0

Excused: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 174 concurred in as follows:
Yeas: Arthun, Balyeat, Barrett, Blewett, Brenden, Brown, Buttrey, Essmann, Hinkle, Jackson, Jones, Lake, Lewis, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Tutvedt, Van Dyk, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 27

Nays: Augare, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jent, Kaufmann, Keane, Larsen, Moore, Moss, Steinbeisser, Stewart-Peregoy, Tropila, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 23

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 375, **Free Conference Committee Report No. 1**, adopted as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 533, **as amended by the Governor**, concurred in as follows:
Yeas: Arthun, Balyeat, Barrett, Blewett, Branae, Brown, Buttrey, Essmann, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jones, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 40

Nays: Augare, Brenden, Caferro, Erickson, Facey, Gallus, Jent, Kaufmann, Shockley, Vuckovich.
Total 10

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 611, **Free Conference Committee Report No. 1**, adopted as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Erickson, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Larsen, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 30

Nays: Augare, Blewett, Branae, Caferro, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 612, **Free Conference Committee Report No. 1**, adopted as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Caferro, Essmann, Hamlett, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wanzenried, Wittich, Zinke, Mr. President.
Total 31

Nays: Augare, Blewett, Branae, Erickson, Facey, Gallus, Gillan, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Williams, Windy Boy.
Total 19

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HJR 33 concurred in as follows:

Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Caferro, Essmann, Hinkle, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Wittich, Zinke, Mr. President.
Total 26

Nays: Augare, Blewett, Branae, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jent, Kaufmann, Keane, Larsen, Moss, Priest, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Walker, Wanzenried, Williams, Windy Boy.
Total 24

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 29, **as amended by the Governor**, passed as follows:
Yeas: Augare, Barrett, Blewett, Branae, Caferro, Erickson, Essmann, Facey, Gillan, Hamlett, Hawks, Jackson, Jent, Jones, Kaufmann, Larsen, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Mr. President.
Total 30

Nays: Arthun, Balyeat, Brenden, Brown, Buttrey, Gallus, Hinkle, Hutton, Keane, Lake, Lewis, Moore, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Windy Boy, Wittich, Zinke.
Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 100, **as amended by the Governor**, passed as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Branae, Brown, Buttrey, Essmann, Facey, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 43

Nays: Blewett, Brenden, Caferro, Erickson, Gallus, Kaufmann, Tropila.
Total 7

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 136, **Conference Committee Report No. 1**, adopted as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Essmann, Facey, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Lake, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 45

Nays: Erickson, Gallus, Kaufmann, Keane, Larsen.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 207, **as amended by the Governor**, passed as follows:
Yeas: Arthun, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Essmann, Facey, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Wittich, Zinke, Mr. President.
Total 39

Nays: Augare, Caferro, Erickson, Gallus, Jent, Kaufmann, Keane, Larsen, Stewart-Peregoy, Williams, Windy Boy.
Total 11

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 265, **Free Conference Committee Report No. 1**, adopted as follows:
Yeas: Augare, Blewett, Branae, Brown, Buttrey, Caferro, Erickson, Facey, Gillan, Hamlett, Hawks, Jackson, Jent, Kaufmann, Keane, Larsen, Moss, Mowbray, Murphy, Olson, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke.
Total 28

Nays: Arthun, Balyeat, Barrett, Brenden, Essmann, Gallus, Hinkle, Hutton, Jones, Lake, Lewis, Moore, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Mr. President.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 266, **as amended by the Governor**, **failed** as follows:
Yeas: Arthun, Balyeat, Barrett, Buttrey, Essmann, Gillan, Hinkle, Hutton, Jackson, Jones, Keane, Lake, Lewis, Mowbray, Murphy, Olson, Priest, Sonju, Stewart-Peregoy, Vincent, Walker, Windy Boy, Wittich, Zinke, Mr. President.
Total 25

Nays: Augare, Blewett, Branae, Brenden, Brown, Caferro, Erickson, Facey, Gallus, Hamlett, Hawks, Jent, Kaufmann, Larsen, Moore, Moss, Ripley, Shockley, Steinbeisser, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Williams.
Total 25

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 372, **Free Conference Committee Report No. 1**, adopted as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Vuckovich, Walker, Wittich, Zinke, Mr. President.
Total 31

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried, Williams, Windy Boy.
Total 19

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 426, **Free Conference Committee Report No. 1**, adopted as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

ANNOUNCEMENTS

Committee meetings were announced by committee chairs.

MOTIONS

Senator Olson moved to reconsider the third reading action on **SB 266** and place **SB 266** on third reading this day. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Buttrey, Essmann, Gallus, Hinkle, Hutton, Jackson, Jones, Keane, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Vincent, Walker, Windy Boy, Wittich, Zinke, Mr. President.
Total 27

Nays: Augare, Blewett, Branae, Brenden, Brown, Caferro, Erickson, Facey, Gillan, Hamlett, Hawks, Jent, Kaufmann, Lake, Larsen, Moss, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Williams.
Total 23

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senate Essmann moved the Senate recess until 1:30 p.m.

Senate in recess.

Senate reconvened at 1:31 p.m.

BILLS AND JOURNALS: 4/28/2011

Correctly enrolled: **SB 166**, **SB 212**, **SB 279**, **SB 305**, **SJR 28**.
Correctly enrolled: **SB 136**, **SB 265**, **SB 372**, **SB 426**.
Examined by the sponsor and found to be correct: **SB 166**, **SB 212**, **SB 279**, **SB 305, SJ 28**.

MOTIONS

Senator Tutvedt moved to override the Governor's veto on **HB 342**. Due to the two-thirds requirement, motion **failed** as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Vuckovich, Walker, Wittich, Zinke, Mr. President.
Total 29

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried, Williams, Windy Boy.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Balyeat moved to override the Governor's veto on **HB 483**. Due to the two-thirds requirement, motion **failed** as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Gillan, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Windy Boy, Wittich, Zinke, Mr. President.
Total 30

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams.
Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Wanzenried raised a procedural concern regarding the progression of bills through the Legislature to the Governor's desk. President Peterson clarified the bills must be transmitted within ten days of sine die and the bills will be passed on to the Governor in accordance with the rules.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Essmann moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Lake in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 35 - **Free Conference Committee Report No. 1** - Senator Hamlett moved the Free Conference Committee report to **SB 35** be adopted. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 316 - **Free Conference Committee Report No. 1** - Senator Lewis moved the Free Conference Committee report to **HB 316** be adopted. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Zinke, Mr. President.
Total 26

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Murphy, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Wittich.
Total 24

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 494 - **Governor's Amendments** - Senator Wittich moved Governor's amendments to **HB 494** be concurred in. Motion carried as follows:
Yeas: Balyeat, Barrett, Blewett, Brenden, Brown, Buttrey, Essmann, Gallus, Hamlett, Hinkle, Hutton, Jackson, Lake, Larsen, Lewis, Mowbray, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Van Dyk, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 29

Nays: Arthun, Augare, Branae, Caferro, Erickson, Facey, Gillan, Hawks, Jent, Jones, Kaufmann, Keane, Moore, Moss, Murphy, Stewart-Peregoy, Tropila, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Essmann moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. Senate resumed. President Peterson in the chair. Chairman Lake moved the Committee of the Whole report be adopted. Report adopted as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Branae, Brenden, Brown, Buttrey, Caferro, Essmann, Facey, Gallus, Gillan, Hamlett, Hinkle, Hutton, Jackson, Jones, Lake, Larsen, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wittich, Zinke, Mr. President.
Total 39

Nays: Blewett, Erickson, Hawks, Jent, Kaufmann, Keane, Moss, Vincent, Wanzenried, Williams, Windy Boy.
Total 11

Absent or not voting: None.
Total 0

Excused: None.
Total 0

MOTIONS

Senator Olson moved to suspend the rules and reconsider action on the Governor's amendments on **SB 266** and place **SB 266** on third reading this legislative day.
Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Brenden, Brown, Buttrey, Essmann, Gallus, Gillan, Hamlett, Hinkle, Hutton, Jackson, Jones, Keane, Lake, Larsen, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tutvedt, Van Dyk, Vincent, Walker, Windy Boy, Wittich, Zinke, Mr. President.
Total 38

Nays: Branae, Caferro, Erickson, Facey, Hawks, Jent, Kaufmann, Moss, Tropila, Vuckovich, Wanzenried, Williams.
Total 12

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Essmann moved the Senate recess until 3:30 p.m. Motion carried.

Senate in recess.

Senate reconvened at 3:33 p.m.

Roll Call. All members present, except Senator Gallus excused. Quorum present.

Senator Gallus present.

BILLS AND JOURNALS: 4/28/2011

Signed by the Speaker at 2:45 p.m., April 28, 2011: **SB 423**.
Signed by the President at 2:35 p.m., April 28, 2011: **SB 423**.
Signed by the Secretary of the Senate at 1:05 p.m., April 27, 2011: **SB 423**.
Delivered to the Governor for approval at 2:50 p.m., April 28, 2011: **SB 423**.

MESSAGES FROM THE GOVERNOR

April 28, 2011

The Honorable Jim Peterson
President of the Senate State Capitol
Helena, MT 59620

Dear President Peterson:

In accordance with the powers vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return with amendments Senate Bill 423 (SB 423) **"AN ACT ESTABLISHING THE MONTANA MARIJUANA ACT AND REVISING LAWS RELATING TO THE USE OF MARIJUANA; CREATING A REGISTRY PROGRAM FOR THE CULTIVATION, MANUFACTURE, TRANSPORTATION, AND TRANSFER OF MARIJUANA BY CERTAIN INDIVIDUALS; REQUIRING REPORTING; ALLOWING INSPECTIONS; REQUIRING LEGISLATIVE MONITORING; PROVIDING DEFINITIONS; PROVIDING RULEMAKING AUTHORITY; ESTABLISHING A TRANSITION PROCESS; AMENDING SECTIONS 37-1-316,37-3-343,37-3-347,41-5-216, 45-9-203, 46-18-202,50-46-201,5046-202, AND 61-11-101, MCA; REPEALING SECTIONS 50-46-101,50-46-102,50-46-103,50-46-201, 50-46-202,50-46-205,50-46-206,50-46-207, AND 50-46-210, MCA; AND PROVIDING EFFECTIVE DATES."**

As presented to me, Senate Bill 423 is disappointing. In its original form, Senate Bill 423 introduced by Senator Essmann was a more substantive bill with a broader statutory scheme that included a licensing system. Numerous iterations of Senate Bill 423 surfaced during the session and over eleven amendments were proposed.

The Children, Families, Health and Human Services Interim Legislative Committee worked diligently for eighteen months, with the input of all stakeholders, devising a medical marijuana reform bill eventually introduced as House Bill 68. The interim committee heard from citizens, law enforcement officers, patients, hospice workers, growers, community leaders, etc. Like the original version of SB 423, House Bill 68 was more substantive but regrettably was set aside at the outset of the session, never to surface again.

Senate Bill 423 does have some positive provisions. It addresses the needs of law enforcement and local government. It also provides local jurisdictions the ability to ban operations within certain areas, including storefronts, which send the wrong message to children in our communities.

However, Senate Bill 423 has no licensing provisions for providers and laboratories and no genetic tracking of medical marijuana to assist in prosecuting individuals who illegally divert marijuana to noncardholders. It abruptly shuts down the provider industry effective July 1, 2011, eliminates the jobs associated with the industry and makes access to medical marijuana very difficult for vulnerable patients. More importantly, the content of the current version of the bill ignores over forty hours of compelling testimony by the public describing patients who are suffering terribly and their reliance on "caregivers", now known as "providers" in Senate Bill 423. As you know, I vetoed House Bill 161 , the outright repeal of 1-148, the 2004 citizen initiative that created our current medical marijuana law, That initiative passed with a vote of 276,042 to 170,579; almost 62% of those Montanans casting a ballot voted for the measure, It is not the role of my office or the legislative body to pass laws that ignore the will of the people expressed at the ballot box. I believe HB 423 essentially repeals 1-148.

This is the fourth session since passage of the medical marijuana initiative. I hoped this legislature would pass a law that honored the intent of the voters while providing law enforcement the necessary tools to prevent abuse and protect public safety. I agree current law is unacceptable and have spent considerable time crafting amendments to the current bill to set up a reasonable regulatory framework, missing in the provisions of 1-148. My amendments to the Senate Bill 423 are constrained by the title and I am unable to address the need for licensing or legally requiring genetic tracking of the strains of marijuana. Nonetheless, I urge the legislature to uphold my amendatory veto.
My amendments do the following'

- SB 423 requires one physician for minors. While there are only 51 minors on the registry as of April 1, 2011, I believe it is appropriate that two physicians certify in those rare cases a child may respond to treatment with medical marijuana in an edible form or topical cream.

- My amendments to SB 423 address the bill's constitutional problems. SB 423 ignores privacy concerns. Article II, Section § 10 of our Montana Constitution guarantees our citizens the right to privacy. Those who registerfor cards have a constitutional right to privacy protected by Article II, Section § 10. Under SB 423, cardholders, i.e. patients' names and addresses must be provided to local law enforcement by the Department of Public Health and Human Services. The right to privacy is a fundamental right. The blanket disclosure requirement in the bill would never survive the strict scrutiny standard for invading a patient's right to privacy. The requirement also directly violates the Montana Government Health Care Information Act. (See, 50-16-601-611, MCA.) Our Montana Government Health Care Information Act was enacted with the express purpose of expanding the Health Insurance Portability and Accountability Act of 1996 (HIPAA) coverage to non-HIPPA covered entities. (See, 50-16-502(6) & (7) & 505, MCA.) Releasing a list of the identities of patients is forbidden under HIPAA and our law. Currently, law enforcement can verify that particular people who hold themselves out as cardholders actually are cardholders with the Department of Public Health and Human Services. This process has worked well and need not be tampered with in the new law. Handing over a list of cardholders to law enforcement is unfair to vulnerable patients who legitimately qualify for a card. I fear it would drive those patients to the illegal market for marijuana.

- Compounding the privacy issues, SB 423 also permits law enforcement unlimited access, without permission or warrant, to the private homes of cardholders who grow their own marijuana. Article II, Section § 11 of our Montana constitution protects citizens from unreasonable searches and seizures. Patients who grow their own plants were not the genesis of any of the problems that arose under the current law and should not now be subject to warrantless searches. If law enforcement officers believe a patient is diverting their marijuana or growing beyond the allowed limits they should properly investigate the matter; gain access through consent or through a search warrant. Law enforcement, working with the Department of Public Health and Human Services can ensure suspected abuse is investigated and when confirmed, appropriate enforcement action taken. My amendments permit inspections of providers and manufacturers by the

Department of Public Health and Human Services and law enforcement during normal business hours. My amendments provide for a reasonable time limit for unannounced inspections, which may often occur in a provider's personal residence. My amendments also provide reasonable procedures for securing marijuana products and paraphernalia where a cardholder is admitted to a health care facility.

- My amendments move the reviewing authority for approving a new medical condition for eligibility for medical marijuana treatment from the legislature to the Department of Public Health and Human Services. The Department of Public Health and Human Services is the only agency in the bill with all the responsibility for administering the law. It is in a good position to review records and seek advice from medical experts if a physician is seeking to have a new medical condition approved for a potential cardholder. These patients need not be subject to the long delay between sessions awaiting approval of their physician's recommendations.

- My amendments also provide for a more rational transition time for providers to register and comply with the new law. The new effective date for some of the provisions in the bill is October 1, 2011 and for other provisions July 1, 2011. The local government and law enforcement provisions are effective upon passage and approval.

- Providers who grow and manufacture marijuana products must register their location with the Department of Public Health and Human Services and local law enforcement, ensuring more effective compliance enforcement. My amendments provide rule making authority for the Department to enable cardholders to receive a list of providers in a particular area. Given that S8 423 prohibits advertising and storefronts may be prohibited by local jurisdictions, it is essential patients are able to find a provider.

- I believe S8 423 makes access to medical marijuana far too difficult for patients, many of whom are suffering chronic and severe illness and do not have the physical or financial ability to grow their own marijuana to treat their debilitating condition. Patients must be able to obtain medical marijuana from legitimate sources with a reliable product. Therefore, I have increased the number of cardholders a provider or manufacturer may have from three to twenty-five. I believe this limit will prevent the large grow operations that boomed under the current law. My amendments do allow a provider to charge for their plant products and lift the no profit restriction from the bill. Another amendment allows a provider to be both a grower and manufacturer of marijuana infused product. There has been no testimony that this now common practice has been a problem.

- S8 423 codifies the restrictions on physicians and provides for review of physicians who certify more than fifteen patients a year. My amendment increases that number to 50 patients. Fifty is less than 5% of your average Montana physician's patient load and this limit will still certainly curtail the number of cardholders.

- Finally, I have put rulemaking authority in the Department of Public Health and Human Services to write rules around the transportation, possession of samples, testing and

labeling of marijuana by laboratories in Montana. Laboratories have been receiving, testing and labeling marijuana under the current law and doing so protects the patients in titrating proper doses and assists the medical community with scientific information about the value of particular strains on specific debilitating conditions. It may also help us in the future with tracking marijuana and prosecuting illegal activity. My amendments permit laboratories to register with the department and provide legal protections to the laboratories that do testing and labeling.

I respectfully request that the legislature agree to these proposed amendments. It would be irresponsible to adjourn without a reform bill that addresses the weakness of 1-148 and the concerns raised at public hearings while honoring the intent of the initiative and the Montanans who voted for it.

Sincerely,

BRIAN SCHWEITZER
GOVERNOR

c Legislative Services Division

Report No. 1, April 28, 2011

Governor's recommendations for amendments to **Senate Bill 423** (reference copy -- salmon) are as follows:

1. Title, page 1, line 13.
Strike: "50-46-201, 50-46-202,"

2. Page 2, line 4.
Following: "delivery,"
Insert: "including delivery for laboratory testing,"

3. Page 2, line 24 through line 25.
Following: "BY"
Strike: ":" on line 24 through "(I)" on line 25

4. Page 2, line 25.
Following: "INCLUDING"
Insert: "relevant and necessary"

5. Page 2, line 27 through line 29.
Strike: "OR" on line 27 through "EXAMINATION;" on line 29

6. Page 3, line 7.
Strike: "LEGISLATURE"
Insert: "department by rule"

7. Page 4, line 4.
Strike: "REGISTERED CARDHOLDER,"
Following: "PROVIDER"
Strike: ","

8. Page 4, line 25.
Following: "RELEVANT"
Insert: "and necessary"

9. Page 4, line 27.
Following: "REVIEWING"
Insert: "any"
Following: "RELEVANT"
Insert: "and necessary"

10. Page 6, line 8.
Following: "department"
Strike: "shall" through "renewal"
Insert: "must have complete application materials and may verify any documentation that is"

11. Page 7, line 3.
Strike: "registered cardholders"
Following: "~~and~~"
Strike: ","
Following: "providers"
Strike: ","

12. Page 7, line 5.
Strike: "cardholders"
Following: "~~or~~"
Strike: ","
Following: "providers"
Strike: ","

13. Page 7, line 8.
Strike: "15"
Insert: "50"

14. Page 7, line 19 and line 20.
Strike: ":" on line 19 through "(A)" on line 20

15. Page 7, line 21 through line 25.
Strike: "; AND" on line 21 through "CERTIFICATIONS" on line 25

16. Page 7, line 28.

Strike: "and (3)"
Insert: "through (4)"

17. Page 8, line 15.
Following: "any"
Insert: ", or names, dates of birth, and street addresses of both providers if a patient has both types of providers"

18. Page 9.
Following: line 10
Insert: "(3) An application for a registry identification card for a minor must be accompanied by the written certification and accompanying statements required pursuant to [section 7] from a second physician in addition to the minor's treating physician or referral physician."
Renumber: subsequent subsections

19. Page 10, line 30.
Strike: "THREE"
Insert: "25"

20. Page 11, line 3.
Strike: "TWO"
Insert: "24"

21. Page 11, line 5 through line 7.
Strike: subsection (4) in its entirety
Renumber: subsequent subsections

22. Page 11, line 10 through line 15.
Strike: ":" on line 10 through "(C)" on line 15
Following: "CARDHOLDER" on line 15
Strike: "; or"
Insert: "."

23. Page 11, line 16.
Strike: line 16 in its entirety

24. Page 11, line 17.
Strike: "(a)"

25. Page 11, line 19.
Strike: "(i)"
Insert: "(a)"
Renumber: subsequent subsections

26. Page 11, line 24 through line 25.
Strike: subsection (b) in its entirety

27. Page 12, line 3 through line 4.
Following: "PROVIDER" on line 3
Strike: ":" through "(A)" on line 4
Following: "PRODUCTS" on line 4
Strike: "; AND" on line 4
Insert: "unless the marijuana-infused products provider is also a registered provider."

28. Page 12, line 5.
Strike: line 5 in its entirety

29. Page 12, line 28 through page 13, line 20.
Strike: subsection (D) through subsection (M) in their entirety
Insert: "(d) confirm that the physician:

(i) has assumed primary responsibility for providing management and routine care of the patient's debilitating medical condition after obtaining a comprehensive medical history and conducting a physical examination that included a personal review of any medical records maintained by other treating physicians and that may have included the patient's reaction and response to conventional medical therapies;

(ii) has reviewed all prescription and nonprescription medications and supplements used by the patient and has considered the potential drug interaction with marijuana;

(iii) has explained the potential risks and benefits of the use of marijuana to the patient; and

(iv) plans to continue to assess the patient and the patient's use of marijuana during the course of the physician-patient relationship;

(e) state that in the physician's professional opinion the potential benefits of the use of marijuana would likely outweigh the health risks for the patient; and

(f) attest that the information provided in the written certification and accompanying statements is true and correct.

(3) A physician who is the second physician recommending marijuana for use by a minor shall submit:

(a) a statement initialed by the physician that the physician conducted a comprehensive review of the minor's medical records as maintained by the treating physician or referral physician;

(b) a statement that in the physician's professional opinion, the potential benefits of the use of marijuana would likely outweigh the health risks for the minor; and

(c) an attestation that the information provided in the written certification and accompanying statements is true and correct."
Renumber: subsequent subsection

30. Page 13, line 30.
Following: "(1)"
Insert: "(a)"

31. Page 14, line 1.
Following: "hospices"
Insert: "and residential care facilities"

32. Page 14, line 2.
Strike: "in the order listed"

33. Page 14, line 4.
Strike: "(a)"
Insert: "(i)"

34. Page 14, line 5.
Following: ";"
Insert: "or"

35. Page 14, line 6.
Strike: "(b)"
Insert: "(ii)"
Following: "PROVIDER"
Insert: ", court-appointed guardian, or person with a power of attorney"

36. Page 14, line 7.
Strike: "; or"
Insert: "."

37. Page 14, line 8.
Strike: "(c)"
Insert: "(b) If a patient is unable to remove the marijuana or the health care facility is unable to contact an individual as provided in subsection (1)(a), the facility shall"

38. Page 14, line 9.
Following: "provider"
Insert: ","
Strike: "OR"
Following: "PROVIDER"
Insert: ", court-appointed guardian, or person with a power of attorney, if any,"

39. Page 14, line 11 and line 12.
Following: "respond by"
Strike: "removing and destroying"
Insert: "storing"
Following: "marijuana" on line 12
Insert: "and any paraphernalia for up to 45 days for the registered cardholder or by transferring the marijuana to the cardholder's provider or marijuana-infused products provider to be held for the cardholder. If the cardholder is released from the health care facility within

45 days, the marijuana and any paraphernalia must be returned to the cardholder. After 45 days, the marijuana and any paraphernalia must be destroyed"

40. Page 14, line 26.
Strike: "or"

41. Page 14, line 27.
Following: "marijuana"
Insert: "; or
(c) a testing laboratory or its owners, officers, or employees are transporting, receiving, or in possession of marijuana samples for testing and labeling under rules adopted by the department"

42. Page 19, line 4.
Strike: "FREQUENT,"

43. Page 19, line 7.
Strike: "AT ANY TIME"
Insert: "during normal business hours of 8 a.m. to 5 p.m."

44. Page 19, line 13.
Following: "INVESTIGATION"
Insert: "during normal business hours of 8 a.m. to 5 p.m."

45. Page 19, line 24.
Strike: "or"

46. Page 19, line 27.
Following: "PRODUCTS"
Insert: "; or
(c) fails to cooperate with the department concerning an investigation or inspection if the person is registered and cultivating or manufacturing the person's own marijuana"

47. Page 21.
Following: line 30
Insert: "(d) a process for maintaining a list of providers and marijuana-infused products providers who have fewer than 25 registered cardholders and who want their contact information provided to cardholders in their area;
(e) procedures for adding to the list of debilitating medical conditions for which use of marijuana is allowed;
(f) requirements for testing laboratories to register with the department;
(g) the manner in which testing laboratories may transport, receive, test, and label marijuana samples for providers and marijuana-infused product providers;
(h) inspections procedures for registered cardholders who have chosen to cultivate and manufacture marijuana for their own use; and"

Renumber: subsequent subsection

48. Page 28, line 17 through page 30, line 6.
Strike: section 30 through section 31 in their entirety
Renumber: subsequent sections

49. Page 32, line 28.
Strike: "July 1, 2011"
Insert: "October 1, 2011"

50. Page 32, line 30.
Strike: "Before July 1, 2011,"
Insert: "By October 1, 2011,"

51. Page 33, line 29.
Strike: "July 1, 2011"
Insert: "October 1, 2011"

52. Page 33, line 30 through Page 34, line 1.
Strike: "30" on page 33, line 30 through "38" on page 34, line 1
Insert: "31, 33, and 36"

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Essmann moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Lake in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 36 - **Free Conference Committee Report No. 1** - Senator Ripley moved the Free Conference Committee report to **SB 36** be adopted. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: Gallus.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 143 - **Governor's Amendments** - Senator Barrett moved Governor's amendments to **SB 143** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Windy Boy, Wittich, Zinke, Mr. President.
Total 47

Nays: Erickson, Kaufmann, Williams.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 156 - **Free Conference Committee Report No. 1** - Senator Windy Boy moved the Free Conference Committee report to **SB 156** be adopted. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 174 - **Governor's Amendments** - Senator Vuckovich moved Governor's amendments to **SB 174 not** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Gillan, Hamlett, Hinkle, Hutton, Jackson, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Vuckovich, Walker, Windy Boy, Wittich, Zinke, Mr. President.

Total 39

Nays: Branae, Facey, Gallus, Hawks, Jent, Moss, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried, Williams.
Total 11

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 225 - Senator Priest moved consideration of **SB 225** be passed for the day. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 28

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 286 - Senator Olson moved the Governor's amendments to **SB 286** be divided and Amendment No. 2 be segregated.

Senate in recess for Rules Committee meeting.

Senate reconvened.

Senator Kaufmann excused.

SB 286–Senator Olson withdrew his motion to divide.

SB 286 - **Governor's Amendments** - Senator Olson moved Governor's amendments to **SB 286** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Keane,

Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Mr. President.
Total 46

Nays: Buttrey, Ripley, Zinke.
Total 3

Absent or not voting: None.
Total 0

Excused: Kaufmann.
Total 1

Senator Kaufmann present at this time.

HB 310 - Senator Shockley moved consideration of **HB 310** be moved to the next board. Motion carried.

Senator Essmann moved the Senate rise and report and beg leave to sit again.

Senator Essmann withdrew his motion.

Senate in recess.

Senate reconvened.

SB 423 - **Governor's Amendments** - Senator Essmann moved Governor's amendments to **SB 423** be **not** concurred in. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jent, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Vuckovich, Walker, Windy Boy, Zinke, Mr. President.
Total 30

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried, Williams, Wittich.
Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 310 - **Governor's Amendments** - Senator Shockley moved Governor's amendments to **HB 310** be concurred in. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Shockley excused at this time.

Senator Essmann moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. Senate resumed. President Peterson in the chair. Chairman Lake moved the Committee of the Whole report be adopted. Report adopted as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Brenden, Brown, Buttrey, Caferro, Essmann, Facey, Gallus, Gillan, Hamlett, Hinkle, Hutton, Jackson, Jones, Kaufmann, Keane, Lake, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wittich, Zinke, Mr. President.
Total 40

Nays: Blewett, Branae, Erickson, Hawks, Jent, Larsen, Wanzenried, Williams, Windy Boy.
Total 9

Absent or not voting: None.
Total 0

Excused: Shockley.
Total 1

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 266, **as amended by the Governor**, passed as follows:

Yeas: Arthun, Balyeat, Barrett, Blewett, Brenden, Buttrey, Essmann, Gallus, Gillan, Hinkle, Hutton, Jackson, Jones, Keane, Lake, Lewis, Mowbray, Murphy, Olson, Priest, Ripley, Sonju, Steinbeisser, Stewart-Peregoy, Vincent, Vuckovich, Walker, Windy Boy, Wittich, Mr. President.
Total 30

Nays: Augare, Branae, Brown, Caferro, Erickson, Facey, Hamlett, Hawks, Jent, Kaufmann, Larsen, Moore, Moss, Shockley, Tropila, Tutvedt, Van Dyk, Wanzenried, Williams, Zinke.
Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

MOTIONS

Senator Essmann moved to appoint a **Free** Conference Committee on **SB 423** and request the House to appoint a like committee. Motion Carried. President Peterson appointed:

4/28/2011

Senator Essmann, Chair
Senator Larsen
Senator Vincent

Senator Essmann moved to reconsider action on **SB 136** and that **SB 136** be returned to the **Free** Conference Committee.
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Walker, Wanzenried, Williams, Wittich, Zinke, Mr. President.
Total 46

Nays: Gallus, Kaufmann, Vuckovich, Windy Boy.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Essmann moved to appoint a **Free** Conference Committee on **SB 136** and request the House to appoint a like committee. Motion Carried. President Peterson appointed:

4/28/2011

Senator Balyeat, Chair
Senator Hinkle
Senator Vuckovich

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE
on **House Bill 604**
Report No. 2, April 28, 2011

Mr. President and Mr. Speaker:
We, your Free Conference Committee met and considered **House Bill 604** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 604** (reference copy -- salmon) be amended as follows:

1. Title, page 1, line 4.
Following: "TRANSFERS"
Insert: "AND AN APPROPRIATION"

2. Title, page 1, line 6.
Following: "ACCOUNT"
Insert: ","
Strike: "AND"
Following: "FUND"
Insert: ", AND THE FIRE SUPPRESSION ACCOUNT"

3. Title, page 1, line 10.
Following: "DISTRICTS;"
Insert: "AUTHORIZING A FUND TRANSFER FROM THE OLDER MONTANANS TRUST FUND TO THE HEALTH AND MEDICAID INITIATIVES ACCOUNT;"
Following: "OLD"
Strike: "STATE"

4. Title, page 1, lines 11 and 12.
Strike: "STATE" on line 11 through "FUND" on line 12
Insert: "OLD FUND LIABILITY ACCOUNT"

5. Title, page 1, line 12.
Following: "FUND;"
Insert: "REVISING THE TRANSFER TO THE RESEARCH AND COMMERCIALIZATION STATE SPECIAL REVENUE ACCOUNT FOR FISCAL YEARS 2012 AND 2013;

IMPOSING A PREMIUM FEE ON CERTAIN WORKERS' COMPENSATION POLICIES; CREATING A STATE SPECIAL REVENUE ACCOUNT;"
Following: "SECTIONS"
Insert: "15-35-108,"

6. Title, page 1, line 12.
Strike: "39-71-2311" on line 12 through "39-71-2351," on line 13

7. Title, page 1, line 13.
Following: "75-10-743,"
Insert: "76-13-150,"

8. Title, page 1, line 14.
Following: "DATE"
Insert: ", AN APPLICABILITY DATE, "

Strike: "A TERMINATION DATE"
Insert: "TERMINATION DATES"

9. Page 2, line 5.
Strike: "$9,166,502"
Insert: "$6 million"

10. Page 2, line 6 through line 8.
Following: "2011"
Strike: ", FOR" on page 2, line 6 through "CESSATION" on line 8

11. Page 2, line 9.
Following: line 8
Insert: "(3) By August 15, 2011, the state treasurer shall transfer $3 million from the fire suppression account provided for in 76-13-150 to the general fund."

12. Page 2, lines 10 through page 7, line 3.
Strike: sections 3 through 10 in their entirety
Insert: "NEW SECTION. **Section 3. Transfer of funds to health and medicaid initiative account.** For the biennium beginning July 1, 2011, the state treasurer shall transfer $3,166,502 from the older Montanans trust fund provided for in 52-3-115 to the health and medicaid initiatives account provided for in 53-6-1201."
Insert: "Section 4. Section 15-35-108, MCA, is amended to read:

"15-35-108. (Temporary) Disposal of severance taxes. Severance taxes collected under this chapter must, in accordance with the provisions of 17-2-124, be allocated as follows:

(1) Fifty percent of total coal severance tax collections is allocated to the trust fund created by Article IX, section 5, of the Montana constitution. The trust fund money must be deposited in the fund established under 17-6-203(6) and invested by the board of investments as provided by law.

(2) The amount of 12% of coal severance tax collections is allocated to the long-range building program account established in 17-7-205.

(3) The amount of 5.46% must be credited to an account in the state special revenue fund to be allocated by the legislature for provision of basic library services for the residents of all counties through library federations and for payment of the costs of participating in regional and national networking, conservation districts, and the Montana Growth Through Agriculture Act. Expenditures of the allocation may be made only from this account. Money may not be transferred from this account to another account other than the general fund. Beginning July 1, 2012, any unreserved fund balance at the end of each fiscal year must be deposited in the general fund.

(4) The amount of 1.27% must be allocated to a permanent fund account for the purpose of parks acquisition or management. Income from this permanent fund account, excluding unrealized gains and losses, must be appropriated for the acquisition, development, operation, and maintenance of any sites and areas described in 23-1-102.

(5) The amount of 0.95% must be allocated to the debt service fund type to the credit of the renewable resource loan debt service fund.

(6) The amount of 0.63% must be allocated to a trust fund for the purpose of protection of works of art in the capitol and for other cultural and aesthetic projects. Income from this trust fund account, excluding unrealized gains and losses, must be appropriated for protection of works of art in the state capitol and for other cultural and aesthetic projects.

(7) The amount of [5.8% through September 30, 2013, and beginning October 1, 2013, the amount of] 2.9% must be credited to the coal natural resource account established in 90-6-1001(2).

(8) After the allocations are made under subsections (2) through (7), $250,000 for the fiscal year must be credited to the coal and uranium mine permitting and reclamation program account established in 82-4-244.

(9) (a) Subject to subsection (9)(b), all other revenue from severance taxes collected under the provisions of this chapter must be credited to the general fund of the state.

(b) The interest income from $140 million of the coal severance tax permanent fund that is deposited in the general fund is statutorily appropriated, as provided in 17-7-502, on an annual basis as follows:

(i) $65,000 to the cooperative development center;

(ii) $625,000 for the growth through agriculture program provided for in Title 90, chapter 9;

(iii) $1.275 million to the research and commercialization state special revenue account created in 90-3-1002<u>, of which $375,000 per year is appropriated for fiscal years 2012 and 2013 to the department of commerce for the small business state matching grant program authorized in 90-1-117 to provide matching grants for small business innovation research and small business technology transfer, $125,000 per year is appropriated for fiscal years 2012 and 2013 to the high-performance supercomputing program in the department of commerce, and $300,000 per year is appropriated for fiscal years 2012 and 2013 to the board of regents for the development of energy and natural resources doctoral programs at Montana tech of the university of Montana</u>;

(iv) to the department of commerce:

(A) $125,000 for a small business development center;

(B) $50,000 for a small business innovative research program;

(C) $425,000 for certified regional development corporations;

(D) $200,000 for the Montana manufacturing extension center at Montana state university-Bozeman; and

(E) $300,000 for export trade enhancement. (Terminates June 30, 2013--sec. 5, Ch. 459, L. 2009.)

15-35-108. (Effective July 1, 2013) Disposal of severance taxes. Severance taxes collected under this chapter must, in accordance with the provisions of 17-2-124, be allocated as follows:

(1) Fifty percent of total coal severance tax collections is allocated to the trust fund created by Article IX, section 5, of the Montana constitution. The trust fund money must be deposited in the fund established under 17-6-203(6) and invested by the board of investments as provided by law.

(2) The amount of 12% of coal severance tax collections is allocated to the long-range building program account established in 17-7-205.

(3) The amount of 5.46% must be credited to an account in the state special revenue fund to be allocated by the legislature for provision of basic library services for the residents of all counties through library federations and for payment of the costs of participating in regional and national networking, conservation districts, and the Montana Growth Through Agriculture Act. Expenditures of the allocation may be made only from this account. Money may not be transferred from this account to another account other than the general fund. Beginning July 1, 2012, any unreserved fund balance at the end of each fiscal year must be deposited in the general fund.

(4) The amount of 1.27% must be allocated to a permanent fund account for the purpose of parks acquisition or management. Income from this permanent fund account, excluding unrealized gains and losses, must be appropriated for the acquisition, development, operation, and maintenance of any sites and areas described in 23-1-102.

(5) The amount of 0.95% must be allocated to the debt service fund type to the credit of the renewable resource loan debt service fund.

(6) The amount of 0.63% must be allocated to a trust fund for the purpose of protection of works of art in the capitol and for other cultural and aesthetic projects. Income from this trust fund account, excluding unrealized gains and losses, must be appropriated for protection of works of art in the state capitol and for other cultural and aesthetic projects.

(7) The amount of [5.8% through September 30, 2013, and beginning October 1, 2013, the amount of] 2.9% must be credited to the coal natural resource account established in 90-6-1001(2).

(8) After the allocations are made under subsections (2) through (7), $250,000 for the fiscal year must be credited to the coal and uranium mine permitting and reclamation program account established in 82-4-244.

(9) (a) Subject to subsection (9)(b), all other revenue from severance taxes collected under the provisions of this chapter must be credited to the general fund of the state.

(b) The interest income from $140 million of the coal severance tax permanent fund that is deposited in the general fund is statutorily appropriated, as provided in 17-7-502, on an annual basis as follows:

(i) $65,000 to the cooperative development center;

(ii) $1.25 million for the growth through agriculture program provided for in Title 90, chapter 9;

(iii) $3.65 million to the research and commercialization state special revenue account created in 90-3-1002;

(iv) to the department of commerce:

(A) $125,000 for a small business development center;

(B) $50,000 for a small business innovative research program;

(C) $425,000 for certified regional development corporations;

(D) $200,000 for the Montana manufacturing extension center at Montana state university-Bozeman; and

(E) $300,000 for export trade enhancement. (Terminates June 30, 2019--secs. 2, 3, Ch. 459, L. 2009.)

15-35-108. (Effective July 1, 2019) Disposal of severance taxes. Severance taxes collected under this chapter must, in accordance with the provisions of 17-2-124, be allocated as follows:

(1) Fifty percent of total coal severance tax collections is allocated to the trust fund created by Article IX, section 5, of the Montana constitution. The trust fund money must be deposited in the fund established under 17-6-203(6) and invested by the board of investments as provided by law.

(2) The amount of 12% of coal severance tax collections is allocated to the long-range building program account established in 17-7-205.

(3) The amount of 5.46% must be credited to an account in the state special revenue fund to be allocated by the legislature for provision of basic library services for the residents of all counties through library federations and for payment of the costs of participating in regional and national networking, conservation districts, and the Montana Growth Through Agriculture Act. Expenditures of the allocation may be made only from this account. Money may not be transferred from this account to another account other than the general fund. Beginning July 1, 2012, any unreserved fund balance at the end of each fiscal year must be deposited in the general fund.

(4) The amount of 1.27% must be allocated to a permanent fund account for the purpose of parks acquisition or management. Income from this permanent fund account, excluding unrealized gains and losses, must be appropriated for the acquisition, development, operation, and maintenance of any sites and areas described in 23-1-102.

(5) The amount of 0.95% must be allocated to the debt service fund type to the credit of the renewable resource loan debt service fund.

(6) The amount of 0.63% must be allocated to a trust fund for the purpose of protection of works of art in the capitol and for other cultural and aesthetic projects. Income from this trust fund account, excluding unrealized gains and losses, must be appropriated for protection of works of art in the state capitol and for other cultural and aesthetic projects.

(7) The amount of 2.9% must be credited to the coal natural resource account established in 90-6-1001(2).

(8) After the allocations are made under subsections (2) through (7), $250,000 for the fiscal year must be credited to the coal and uranium mine permitting and reclamation program account established in 82-4-244.

(9) All other revenue from severance taxes collected under the provisions of this chapter must be credited to the general fund of the state.""

Renumber: subsequent sections

13. Page 7, line 29 through line 30.
Strike: "to that" on line 29 through "treasurer" on line 30

14. Page 8, line 1.
Following: "~~39-71-2321~~"
Insert: "to the old fund account provided for in [section 14] if the amount in [section 13 or 14] is insufficient"

15. Page 9, line 4 through line 5.
Strike: ":" on line 4 through "(a)" on line 5

16. Page 9, line 7.
Strike: "; and"
Insert: "."

17. Page 9, line 11.
Strike: line 11 in its entirety

18. Page 13, line 8.
Insert: "Section 10. Section 76-13-150, MCA, is amended to read:

"76-13-150. Fire suppression account -- fund transfer. (1) There is a fire suppression account in the state special revenue fund to the credit of the department.

(2) The legislature may transfer money from other funds to the account, and the money in the account is subject to legislative fund transfers.

(3) Funds received for restitution by private parties must be deposited in the account.

(4) Money in the account may be used only for the purpose of paying expenses for fire prevention, including fuel mitigation, grants for the purchase of fire suppression equipment for county cooperatives, and fire suppression costs.

(5) Interest earned on the balance of the account is retained in the account.""
Renumber: subsequent sections

19. Page 14.
Following: line 4
Insert: "NEW SECTION. **Section 13. Old fund liability account.** (1) There is an old fund liability account in the state special revenue fund established by 17-2-102 to be administered by the department of administration.

(2) Until July 1, 2013, the state fund shall deposit in the account described in subsection (1) the fees collected as provided in [section 14].

(3) Interest and income earned on money in the account must be retained within the account except as provided in this section.

(4) Beginning July 1, 2012, the state treasurer shall transfer funds in the old fund liability account on an as-needed basis into the old fund account provided for in [section 14] to pay claims for injuries occurring before July 1, 1990."
Insert: "NEW SECTION. **Section 14. Old fund premium fee -- assessment.** (1) Until

July 1, 2013, the state fund shall pay into the old fund liability account, provided for in [section 13], a fee assessed upon net premiums. Beginning July 1, 2013, the state fund shall deposit the fees assessed upon net premiums into the old fund account.

(2) A fee must be assessed on net premiums at a rate of 2.75% and must be included in rates established in 39-71-2330.

(3) (a) For the purposes of this section, the term "net premium" has the meaning provided by the national association of insurance commissioners.

(b) For the purposes of this part, the term "old fund account" means the account in the proprietary fund type to pay claims for injuries resulting from accidents that occurred before July 1, 1990."

Insert: "NEW SECTION. **Section 15. Appropriation.** (1) There is appropriated up to $2 million in fiscal year 2011 from the general fund to the department of administration on a one-time-only basis for transfer to the old fund account provided for in [section 14].

(2) There is appropriated $11 million on a one-time-only basis for the fiscal year ending June 30, 2012, to the department of administration for transfer to the old fund account for unfunded liabilities, if necessary. These funds may be used only for the purposes of this subsection, except as provided in subsection (3).

(3) If the funds appropriated in subsection (2) are not needed for the purpose specified in subsection (2), the department of administration may transfer up to $2.2 million of the remainder to compensate state agencies for any difference in the amount appropriated from the general fund for workers' compensation premiums and the actual amount of workers' compensation premiums funded from the general fund. The methodology for determining general fund appropriations for workers' compensation and actual general fund workers' compensation premium costs must be based on an agreement between the director of the office of budget and program planning and the legislative fiscal analyst.

(4) (a) The approving authority, as defined in 17-7-102, shall review and may approve the transfer under subsection (3).

(b) The legislative finance committee shall review the proposed transfer prior to the distribution of funds under subsection (3)."

Insert: "NEW SECTION. **Section 12. Codification instruction.** [Sections 13 and 14] are intended to be codified as an integral part of Title 39, chapter 71, part 23, and the provisions of Title 39, chapter 71, part 23, apply to [sections 13 and 14]."

Renumber: subsequent sections

20. Page 14, line 12.
Following: line 11
Insert: "(3) If House Bill No. 611 is not passed and approved, then [section 4 of this act], amending 15-35-108, is void."

21. Page 14, line 17.
Strike: "**date**"
Insert: "**dates -- applicability**"
Strike: "[This"
Insert: "(1) Except as provided in subsection (2), [this"

22. Page 14.
Following: line 17
Insert: "(2) [Section 14(2)] is effective July 1, 2011, and applies to new or renewal policies effective July 1, 2011."

23. Page 14, line 19.
Following: "TERMINATION."
Insert: "(1)"
Strike: "AND 12"
Insert: ", 6, and 7"

24. Page 14.
Following: line 19
Insert: "(2) [Section 14] terminates June 30, 2023."

For the Senate:	For the House:
Lewis, Chair	McNutt, Vice Chair
Hamlett	Esp
Zinke	McChesney

SPECIAL ORDERS OF THE DAY

Senator Facey moved **SR 14** be adopted.

Senator Ripley made a substitute motion that **SR 14** be indefinitely postponed. Motion **failed** as follows:
Yeas: Balyeat, Barrett, Brenden, Brown, Buttrey, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Olson, Priest, Ripley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 23

Nays: Arthun, Augare, Blewett, Branae, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Mowbray, Murphy, Shockley, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 27

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Ripley moved that **SR 14** be indefinitely postponed until the 90th Legislative day. Motion **failed** as follows:

Yeas: Balyeat, Barrett, Brenden, Brown, Buttrey, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Olson, Priest, Ripley, Sonju, Steinbeisser, Tutvedt, Vincent, Vuckovich, Walker, Wittich, Zinke, Mr. President.
Total 24

Nays: Arthun, Augare, Blewett, Branae, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Mowbray, Murphy, Shockley, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried, Williams, Windy Boy.
Total 26

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Ripley moved that the Senate recess until 5:30 p.m. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Vincent, Vuckovich, Walker, Wittich, Zinke, Mr. President.
Total 27

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Murphy, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Wanzenried, Williams, Windy Boy.
Total 23

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senate in recess.

Senate reconvened at 5:30 p.m.

BILLS AND JOURNALS: 4/28/2011

Correctly enrolled: **SB 265**, **SB 426**.

MESSAGES FROM THE OTHER HOUSE

Governor's amendments to **Senate bill not** concurred in and returned to the Senate
4/28/2011

SB 29, introduced by Moss

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Essmann moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Lake in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 604 - **Free Conference Committee Report No. 1** - Senator Lewis moved the Free Conference Committee report to **HB 604** be adopted. Motion carried as follows:
Yeas: Arthun, Balyeat, Barrett, Brown, Buttrey, Essmann, Hamlett, Hinkle, Hutton, Jackson, Jones, Keane, Lake, Larsen, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Zinke, Mr. President.
Total 29

Nays: Augare, Blewett, Branae, Brenden, Caferro, Erickson, Facey, Gallus, Gillan, Hawks, Jent, Kaufmann, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Wittich.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Essmann moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Peterson in the chair. Chairman Lake moved the Committee of the Whole report be adopted. Report adopted as follows:
Yeas: Arthun, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jones, Keane, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wittich, Zinke, Mr. President.
Total 40

Nays: Augare, Caferro, Erickson, Jent, Kaufmann, Larsen, Moss, Wanzenried, Williams, Windy Boy.
Total 10

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SPECIAL ORDERS OF THE DAY

Senator Brenden, Chairman of Fish and Game Committee, rose on a point of order and asked why Senator Facey was carrying **SR 14**. Senator Facey explained Senator Wittich had requested him to carry the bill.

SR 14–Senator Facey moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 14**.

Senator Gallus moved to close debate on **SR 14**.

Vote Count: 2106

Senate in recess.

Senate reconvened.

Senator Facey's motion to concur in **SR 14** carried as follows:
Yeas: Arthun, Augare, Blewett, Branae, Brown, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Mowbray, Shockley, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 27

Nays: Balyeat, Barrett, Brenden, Buttrey, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Murphy, Olson, Priest, Ripley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 23

Absent or not voting: None.
Total 0

Excused: None.
Total 0

MESSAGES FROM THE OTHER HOUSE

Governor's amendments to **Senate bill not** concurred in and returned to the Senate:
4/28/2011

SB 174, introduced by Vuckovich

SPECIAL ORDERS OF THE DAY

Senator Williams gave her farewell remarks to the Senate.

ANNOUNCEMENTS

Committee meetings were announced by committee chairs.

Senator Essmann moved the Senate recess until 7:30 p.m. Motion carried.

Senate in recess.

Senate reconvened at 7:50 p.m.

Senator Jent excused.

BILLS AND JOURNALS: 4/28/2011

Correctly enrolled: **SR 14**.
Examined by the sponsor and found to be correct: **SB 265**, **SB 426**. **SR 14**.

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE
on **Senate Bill 136**
Report No. 1, April 28, 2011

Mr. President and Mr. Speaker:
We, your Free Conference Committee met and considered **Senate Bill 136** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 136** (reference copy -- salmon) be amended as follows:

1. Page 8, line 16.
Strike: "twice"
Insert: "four times"

For the Senate:

Balyeat, Chair
Hinkle
Vuckovich

For the House:

Kennedy, Vice Chair
Knudsen
Phillips

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 143, **as amended by the Governor**, passed as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Essmann, Facey, Gallus, Gillan, Hamlett, Hinkle, Hutton, Jackson, Jones, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Windy Boy, Wittich, Zinke, Mr. President.
Total 45

Nays: Erickson, Hawks, Kaufmann, Williams.
Total 4

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

SB 286, **as amended by the Governor**, passed as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Branae, Brenden, Brown, Buttrey, Essmann, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jones, Keane, Lake, Larsen, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Wanzenried, Windy Boy, Wittich, Zinke, Mr. President.
Total 41

Nays: Blewett, Caferro, Erickson, Facey, Kaufmann, Moss, Van Dyk, Williams.
Total 8

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

SB 298, **as amended by the Governor**, passed as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jones, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried,

Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 46

Nays: Caferro, Erickson, Kaufmann.
Total 3

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

Senate in recess.

Senate reconvened.

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE
on **Senate Bill 423**
Report No. 3, April 28, 2011

Mr. President and Mr. Speaker:
We, your Free Conference Committee met and considered **Senate Bill 423** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 423** (reference copy -- salmon) be amended as follows:

1. Page 2, line 25.
Following: "INCLUDING"
Insert: "relevant and necessary"

2. Page 4, line 4.
Strike: "REGISTERED CARDHOLDER,"
Following: "PROVIDER"
Strike: ","

3. Page 4, line 25.
Following: "RELEVANT"
Insert: "and necessary"

4. Page 4, line 27.
Following: "REVIEWING"
Insert: "any"
Following: "RELEVANT"

Insert: "and necessary"

5. Page 6, line 8.
Following: "department shall"
Strike: "verify"
Insert: "review"

6. Page 7, line 3.
Strike: "registered cardholders"
Following: "~~and~~"
Strike: ","
Following: "providers"
Strike: ","

7. Page 7, line 5.
Strike: "cardholders"
Following: "~~or~~"
Strike: ","
Following: "providers"
Strike: ","

8. Page 7, line 8.
Strike: "15"
Insert: "25"

9. Page 7, line 28.
Strike: "and (3)"
Insert: "through (4)"

10. Page 9.
Following: line 10
Insert: "(3) An application for a registry identification card for a minor must be accompanied by the written certification and accompanying statements required pursuant to [section 7] from a second physician in addition to the minor's treating physician or referral physician."
Renumber: subsequent subsections

11. Page 10, line 28.
Following: "(A)"
Insert: "(i)"

12. Page 11.
Following: line 1
Insert: "(ii) A person who is registered as both a provider and a marijuana-infused products provider may assist no more than three registered cardholders."

13. Page 11, line 15 through line 16.
Strike: "; or" on line 15 through "PRODUCTS PROVIDER" on line 16

14. Page 12, line 5.
Following: "SMOKING"
Insert: "unless the marijuana-infused products provider is also a registered provider and is providing the marijuana to a registered cardholder who has selected the person as the person's registered provider"

15. Page 13.
Following: line 20
Insert: "(3) A physician who is the second physician recommending marijuana for use by a minor shall submit:
(a) a statement initialed by the physician that the physician conducted a comprehensive review of the minor's medical records as maintained by the treating physician or referral physician;
(b) a statement that in the physician's professional opinion, the potential benefits of the use of marijuana would likely outweigh the health risks for the minor; and
(c) an attestation that the information provided in the written certification and accompanying statements is true and correct."
Renumber: subsequent subsections

16. Page 13, line 30.
Following: "(1)"
Insert: "(a)"

17. Page 14, line 1.
Following: "hospices"
Insert: "and residential care facilities"

18. Page 14, line 2.
Strike: "in the order listed"

19. Page 14, line 4.
Strike: "(a)"
Insert: "(i)"

20. Page 14, line 5.
Following: ";"
Insert: "or"

21. Page 14, line 6.
Strike: "(b)"
Insert: "(ii)"
Following: "provider"

Insert: ","
Strike: "OR"
Following: "PROVIDER"
Insert: ", court-appointed guardian, or person with a power of attorney"

22. Page 14, line 7.
Strike: "; or"
Insert: "."

23. Page 14, line 8.
Strike: "(c)"
Insert: "(b) If a patient is unable to remove the marijuana or the health care facility is unable to contact an individual as provided in subsection (1)(a), the facility shall"

24. Page 14, line 9.
Following: "provider"
Insert: ","
Strike: "OR"
Following: "PROVIDER"
Insert: ", court-appointed guardian, or person with a power of attorney, if any,"

25. Page 19, line 4.
Strike: "FREQUENT,"

26. Page 19, line 7.
Strike: "AT ANY TIME"
Insert: "during normal business hours"

27. Page 19, line 13.
Following: "INVESTIGATION"
Insert: "during normal business hours"

28. Page 19, line 24.
Strike: "or"

29. Page 19, line 27.
Following: "PRODUCTS"
Insert: "; or
(c) fails to cooperate with the department concerning an investigation or inspection if the person is registered and cultivating or manufacturing marijuana"

For the Senate:	For the House:
Essmann, Chair	Smith, Vice Chair
Vincent	Sands

Berry

Senate in recess.

Senate reconvened.

Senator Jent excused.

April 28, 2011

The Honorable Jim Peterson
President of the Senate
State Capitol

Helena, MT 59620
The Honorable Mike Milburn
Speaker of the House
State Capitol
Helena, MT 59620

Dear President Peterson and Speaker Milburn:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby veto Senate Bill No. 110 (SB 110), **"AN ACT ALLOWING AN EXEMPTION FROM PROPERTY TAXES, UNDER CERTAIN CONDITIONS, FOR LAND OWNED BY A TAXPAYER THAT INCLUDES A COUNTY ROAD AND ASSOCIATED EASEMENT."**

My objection to SB 110 is that it is a cumbersome, more costly, less uniform, and delayed approach to resolving a tax issue that the Department of Revenue (DOR) has already begun to address.

Senate Bill 110 creates a property tax exemption for up to 30 feet from the center line on either side of a county road -for tax years beginning after December 31,2014. The exemption, however, is available only upon application by an affected taxpayer who will be required to submit to the DOR a legal description, maps, deeds, petitions, resolutions, court decrees, and any other information that verifies the parcel boundaries. If historical information is not available, the property owner will be required to obtain a resolution from the county commissioners in the county in which the property is located in order to apply for the exemption. The DOR then will be required to evaluate nonuniform information through methodology estimated to cost in excess of $600,000 through fiscal year 2015. The DOR antiCipates it will take two years to implement SB 110, for an additional estimated impact to the state in fiscal year 2016 of another $550,000.

In contrast, the DOR has already started planning to use its recently developed, current mapping data (geographic information system, or GIS, data) of agricultural and forest

lands to identify a 30 foot right of way. From that, DOR intends to apply a low grazing value to all Montana roads over the next three years (fiscal years 2012 through 2014), at an estimated administrative cost of $200,000 during that time period. The DOR plans to work with the Agricultural Land Advisory Committee to apply a consistent, uniform, and reasonable value for these properties.

Under either the DOR or the SB 110 approach, the benefit to affected property taxpayers is anticipated to be approximately the same statewide -approximately $100,000 per year. The advantages of the DOR model are twofold. First, the cost to achieve this same result under the DOR model is anticipated to be a fraction of the cost anticipated under SB 110 ($200,000 versus over $1,000,000). Second, the results will be comprehensive and uniform, not checkerboard, since they will not be dependent on the taxpayer's initiative to seek an exemption.

If SB 110 becomes law, the DOR will need to begin implementing it now. I do not believe SB 110 is a good use of taxpayer dollars. For these reasons, I respectfully ask for your support to sustain my veto of the bill.

Sincerely,

BRIAN SCHWEITZER
GOVERNOR

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Essmann moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Lake in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 136 - **Free Conference Committee Report No. 1** - Senator Balyeat moved the Free Conference Committee report to **SB 136** be adopted. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 48

Nays: Erickson.
Total 1

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

SB 423 - **Free Conference Committee Report No. 3** - Senator Essmann moved the Free Conference Committee report to **SB 423** be adopted. Motion carried as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Branae, Brenden, Brown, Buttrey, Essmann, Gillan, Hamlett, Hinkle, Hutton, Jackson, Jones, Keane, Lake, Lewis, Moore, Mowbray, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Van Dyk, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 33

Nays: Blewett, Caferro, Erickson, Facey, Gallus, Hawks, Kaufmann, Larsen, Moss, Murphy, Stewart-Peregoy, Tropila, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 16

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

Senator Essmann moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Peterson in the chair. Chairman Lake moved the Committee of the Whole report be adopted. Report adopted as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Branae, Brenden, Brown, Buttrey, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 39

Nays: Blewett, Caferro, Erickson, Kaufmann, Keane, Larsen, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 10

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 329, **Free** Conference Committee Report No. 1, adopted as follows:
Yeas: Arthun, Balyeat, Barrett, Brown, Buttrey, Caferro, Essmann, Gallus, Hamlett, Hinkle, Hutton, Jackson, Jones, Lake, Larsen, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Tutvedt, Vincent, Vuckovich, Walker, Wittich, Zinke, Mr. President.
Total 31

Nays: Augare, Blewett, Branae, Brenden, Erickson, Facey, Gillan, Hawks, Jent, Kaufmann, Keane, Moss, Steinbeisser, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried, Williams, Windy Boy.
Total 19

Paired: Brown, Aye; Jent, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 2, as amended by the Governor, concurred in as follows:
Yeas: Arthun, Balyeat, Brown, Buttrey, Erickson, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 27

Nays: Augare, Barrett, Blewett, Branae, Brenden, Caferro, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 23

Paired: Brown, Aye; Jent, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 271, Conference Committee Report No. 1, adopted as follows:
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Gillan, Hamlett, Hinkle,

Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 29

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Steinbeisser, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 21

Paired: Gillan, Aye; Jent, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 310, as amended by the Governor, concurred in as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Branae, Brenden, Brown, Buttrey, Essmann, Facey, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jones, Keane, Lake, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 41

Nays: Blewett, Caferro, Erickson, Gallus, Jent, Kaufmann, Larsen, Van Dyk, Wanzenried.
Total 9

Paired: Brown, Aye; Jent, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 316, **Free** Conference Committee Report No. 1, adopted as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Brown, Buttrey, Essmann, Hamlett, Hinkle, Hutton, Jackson, Jent, Jones, Lake, Larsen, Lewis, Moore, Mowbray, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Walker, Zinke, Mr. President.
Total 28

Nays: Blewett, Branae, Brenden, Caferro, Erickson, Facey, Gallus, Gillan, Hawks, Kaufmann, Keane, Moss, Murphy, Stewart-Peregoy, Tropila, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Windy Boy, Wittich.

Total 22

Paired: Jent, Aye; Gillan, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 494, as amended by the Governor, **failed** as follows:
Yeas: Balyeat, Brenden, Brown, Buttrey, Essmann, Gallus, Hamlett, Hinkle, Hutton, Jackson, Jones, Lake, Larsen, Lewis, Mowbray, Priest, Ripley, Shockley, Sonju, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 25

Nays: Arthun, Augare, Barrett, Blewett, Branae, Caferro, Erickson, Facey, Gillan, Hawks, Jent, Kaufmann, Keane, Moore, Moss, Murphy, Olson, Steinbeisser, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 25

Paired: Brown, Aye; Jent, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 604, **Free** Conference Committee Report No. 1, adopted as follows:
Yeas: Arthun, Balyeat, Barrett, Brown, Buttrey, Essmann, Hamlett, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Zinke, Mr. President.
Total 27

Nays: Augare, Blewett, Branae, Brenden, Caferro, Erickson, Facey, Gallus, Gillan, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Wittich.
Total 23

Paired: Brown, Aye; Jent, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 35, **Free** Conference Committee Report No. 1, adopted as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jones, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 45

Nays: Gillan, Kaufmann, Stewart-Peregoy, Wanzenried.
Total 4

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

SB 36, **Free** Conference Committee Report No. 1, adopted as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 48

Nays: Gillan.
Total 1

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

SB 156, **Free** Conference Committee Report No. 1, adopted as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

SB 312, **Free** Conference Committee Report No. 1, adopted as follows:
Yeas: Arthun, Balyeat, Barrett, Blewett, Brenden, Brown, Buttrey, Essmann, Gallus, Hamlett, Hinkle, Hutton, Jackson, Jones, Keane, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Windy Boy, Wittich, Zinke, Mr. President.
Total 35

Nays: Augare, Branae, Caferro, Erickson, Facey, Gillan, Hawks, Jent, Kaufmann, Larsen, Moss, Stewart-Peregoy, Van Dyk, Wanzenried, Williams.
Total 15

Paired: Brown, Aye; Jent, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 136, **Free** Conference Committee Report No. 1, adopted as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jones, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Windy Boy, Wittich, Zinke, Mr. President.
Total 46

Nays: Erickson, Kaufmann, Williams.
Total 3

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

SB 423, **Free** Conference Committee Report No. 3, adopted as follows:
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Essmann, Gillan, Hamlett, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Lewis, Moore, Mowbray, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Van Dyk, Vincent, Walker, Wittich, Zinke, Mr. President.
Total 35

Nays: Caferro, Erickson, Facey, Gallus, Hawks, Kaufmann, Larsen, Moss, Murphy, Stewart-Peregoy, Tropila, Vuckovich, Wanzenried, Williams, Windy Boy.
Total 15

Paired: Jent, Aye; Larsen, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SPECIAL ORDERS OF THE DAY

Senator Hamlett rose on a point of personal privilege and thanked everyone for their assistance during the session.

Senator Shockley rose on a point of personal privilege and thanked scanner Suzi Hamilton for her assistance.

President Peterson rose on a point of personal privilege and acknowledged Senator Hutton for his service in the Legislature.

Senator Williams rose on a point of personal privilege and gave her closing remarks.

Senator Gallus rose on a point of personal privilege expressing his disappointment at the Senate's failure to approve the appointment of his wife, Jennifer Hensley, as Commissioner of Political Practices.

A committee from the House of Representatives informed the Senate that the House of Representatives of the 62nd Legislature had adjourned sine die.

Senator Essmann moved the President appoint a committee to notify the Governor that the Senate of the 62nd Legislature is ready to adjourn sine die. President Peterson appointed Senator Williams, Senator Gallus, Senator Zinke, and Senator Jones.

Senator Essmann moved the President appoint a committee to notify the House of Representatives that the Senate of the 62nd Legislature is ready to adjourn sine die.

President Peterson appointed Senator Vincent, Senator Brown, Senator Hawks and Senator Moss.

Senator Essmann moved the President appoint a committee to notify the Supreme Court that the Senate of the 62nd Legislature is ready to adjourn sine die. President Peterson appointed Senator Shockley, Senator Murphy, Senator Jent and Senator Blewett.

The committees sent to inform the Governor, House of Representatives and the Supreme Court returned and were discharged.

Senator Essmann rose on a point of personal privilege and gave his closing remarks.

Senator Essmann moved the Senate adjourn sine die.

Senate adjourned sine die at 9:08 p.m.

MARILYN MILLER
Secretary of the Senate

JIM PETERSON
President of the Senate

SENATE JOURNAL
62ND LEGISLATURE
ADDENDUM

Helena, Montana — Senate Chambers, State Capitol

BILLS AND JOURNALS: 5/2/2011

Delivered to the Governor for approval at 2:30 p.m., May 2, 2011: **SB 97**, **SB 166**, **SB 199**, **SB 206**, **SB 212**, **SB 233**, **SB 241**, **SB 253**, **SB 279**, **SB 292**, **SB 295**, **SB 305**, **SB 306**, **SB 338**, **SB 348**, **SB 406**, **SB 409**, **SB 410**.
Signed by the Speaker at 12:00 p.m., May 2, 2011: **SB 97**, **SB 166**, **SB 199**, **SB 206**, **SB 212**, **SB 233**, **SB 241**, **SB 253**, **SB 279**, **SB 292**, **SB 295**, **SB 305**, **SB 306**, **SB 338**, **SB 348**, **SB 406**, **SB 409**, **SB 410**, **SJR 15**, **SJR 20**, **SJR 23**, **SJR 27**, **SJR 28**, **SJR 29**, **SJR 30**.
Correctly enrolled: **SB 35**, **SB 36**, **SB 100**, **SB 136**, **SB 156**, **SB 207**, **SB 266**, **SB 312**, **SB 329**, **SB 372**, **SB 423**.

5/3/2011

Signed by the President at 9:30 p.m., May 3, 2011: **SR 14**.
Signed by the Secretary of the Senate at 5:35 p.m., May 2, 2011: **SR 14**.
Signed by the Speaker at 11:00 a.m., May 3, 2011: **SB 418**, **SB 426**.
Signed by the President at 9:15 a.m., May 10, 2011: **SB 418**, **SB 426**.
Signed by the Secretary of the Senate at 5:35 p.m., May 2, 2011: **SB 418**, **SB 426**.
Signed by the Speaker at 11:00 a.m., May 3, 2011: **SB 35**, **SB 36**, **SB 100**, **SB 136**, **SB 156**, **SB 207**, **SB 265**, **SB 266**, **SB 312**, **SB 329**, **SB 372**, **SB 423**.
Signed by the President at 9:30 a.m., May 3, 2011: **SB 35**, **SB 36**, **SB 100**, **SB 136**, **SB 156**, **SB 207**, **SB 265**, **SB 266**, **SB 312**, **SB 329**, **SB 372**, **SB 423**.
Signed by the Secretary of the Senate at 5:35 p.m., May 2, 2011: **SB 35**, **SB 36**, **SB 100**, **SB 136**, **SB 156**, **SB 207**, **SB 265**, **SB 266**, **SB 312**, **SB 329**, **SB 372**, **SB 423**.
Delivered to the Governor for approval at 1:30 p.m., May 3, 2011: **SB 35**, **SB 36**, **SB 100**, **SB 136**, **SB 156**, **SB 207**, **SB 265**, **SB 266**, **SB 312**, **SB 329**, **SB 372**, **SB 423**.

5/4/2011

Delivered to the Governor for approval at 8:35 a.m., May 4, 2011: **SB 29**, **SB 106**, **SB 108**, **SB 125**, **SB 143**, **SB 174**, **SB 201**, **SB 225**, **SB 229**, **SB 277**, **SB 286**, **SB 297**, **SB 298**, **SB 307**, **SB 356**, **SB 358**, **SB 366**.
Delivered to the Secretary of State at 8:56 a.m., May 4, 2011: **SB 418**, **SB 426**, **SJR 15**, **SJR 20**, **SJR 23**, **SJR 27**, **SJR 28**, **SJR 29**, **SJR 30**, **SR 14**, **SR 15**, **SR 18**.
Correctly enrolled: **SR 5**.
Delivered to the Secretary of State at 10:52 a.m., May 5, 2011: **SR 5**.

SENATE JOURNAL
ADDENDUM
62ND LEGISLATURE

REPORTS OF STANDING COMMITTEES

The Senate Committee on Committees has approved the following committee assignment:

Legislative Finance Committee

Senator Ripley
Senator Gallus

Finance & Claims Committee

Senator Lewis
Senator Jones
Senator Wanzenried
Senator Williams

Capital Complex Advisory Council

Senator Moss
Senator Murphy

Legislative Consumer Committee

Senator Murphy
Senator Tropila

Economic Affairs Interim Committee

Senator Balyeat
Senator Facey
Senator Walker
Senator Windy Boy

Children, Families, Health, and Human Services Interim Committee

Senator Caferro
Senator Kaufmann
Senator Priest
Senator Wittich

Law and Justice Interim Committee

Senator Auguare
Senator Gallus

Senator Hinkle
Senator Moss
Senator Shockley
Senator Wittich

Revenue and Transportation

Senator Peterson
Senator Essmann
Senator Tutvedt
Senator Erickson
Senator Gillan
Senator Kaufmann

State Administration and Veterans' Affairs

Senator Arthun
Senator Blewett
Senator Jent
Senator Lewis

Energy and Telecommunications

Senator Jackson
Senator Keane
Senator Larsen
Senator Olson

State Tribal Relations Committee

Senator Augare
Senator Brown
Senator Mowbray
Senator Stewart-Peregoy

Water Policy Interim Committee

Senator Barrett
Senator Hamlett
Senator Stewart-Peregoy
Senator Vincent

Legislative Branch Computer Systems Planning Council

Senator Buttrey
Secretary of the Senate Marilyn Miller

Legislative Council on River Governance

Voting members: Senator Brenden, Senator Hamlett
Other members: Senators Barrett, Gallus, Jent, Vincent

Board of Investments Legislative Liaisons

Senator Balyeat

Community Health Center Advisory Group

Senator Murphy
Senator Van Dyk

Drinking Water State Revolving Loan Program Advisory Committee

Senator Steinbeisser

Economic Development Advisory Council

Senator Buttrey
Senator Vuckovich

Electronic Government Advisory Council

Senator Essmann

Future Fisheries Review Panel

Senator Walker

Gaming Advisory Council

Senator Sonju

Information Technology Board

Senator Jones

Land Information Advisory Council

Senator Walker

Natural Resource Damage Litigation Oversight

Senator Lewis
Senator Keane

Workforce Investment Board

Senator Buttrey
Senator Gillan

Legislative Council

Senator Tutvedt
Holdovers: Senators Wanzenried, Tropila, Essmann

Environmental Quality Council

Senator Brenden
Senator Hamlett
Senator Keane
Senator Ripley
Senator Vincent
Senator Vuckovich

Reserved Water Rights Compact Commission

Senator Barrett
Senator Williams

Pacific Northwest Economic Region

Senator Peterson
Senator Ripley (alternate)

Legislative Audit Committee

Senator Barrett
Senator Branae
Senator Brown
Senator Larsen

Senator Moore
Senator Tropila

MESSAGES FROM THE GOVERNOR

May 12, 2009
The Honorable Linda McCulloch
Secretary of State
State Capitol
Helena, MT 59620

Dear Secretary McCulloch:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby veto Senate Bill No. 97 (SB 97), **"AN ACT REPEALING THE PARENTAL NOTICE OF ABORTION ACT AND ENACTING THE PARENTAL NOTICE OF ABORTION ACT OF 2011; PROVIDING THAT THE PROVISIONS OF THE ACT APPLY TO MINORS UNDER 16 YEARS OF AGE; REVISING THE JUDICIAL BYPASS PROVISIONS UNDER THE ACT; AMENDING SECTIONS 41-1-405 AND 47-1-104, MCA; REPEALING SECTIONS 50-20-201,5020-202, 50-20-203, 50-20-204, 50-20-205, 50-20-208, 50-20-209, 50-20-211, 50-20212, AND 50-20-215, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."**

I have vetoed SB 97 because I have been counseled that it is likely unconstitutional, as in violation of the express privacy clause contained in Article II, § 10, the equal protection clause found in Article II, § 4, and the "Rights of Persons Not Adults" clause, contained in Article II, § 15 of the Montana Constitution.

Senate Bill 97 repeals then reenacts in substantially the same form Montana's current Parental Notice of Abortion Act, which was held to be unconstitutional by Montana's First Judicial District Court in Wicklund v. State, 1999 Mont. Dist. LEXIS 1116, a decision that was never appealed. In that case, the court held that Montana's express constitutional privacy clause granted minors, including pregnant minors, a fundamental right of individual privacy, which right encompasses a minor's right to decide whether to terminate her pregnancy, and that the right was infringed by the Act.

The District Court considered evidence on teen pregnancies to determine whether a "compelling state interest" existed to justify the privacy infringements contained in the Parental Notice of Abortion Act and rejected every reason advanced by the state to support the infringements. Notably, the legislative purpose and findings contained in the 1995 law to justify the legislation, found to be unconstitutional in Wicklund, were reenacted virtually verbatim in SB 97.
I recognize that the most obvious difference between SB 97 and the current parental notice act ruled unconstitutional is that SB 97 lowers the age under which the law's provisions would apply from 18 to 16. However, counsel advises that the District Court in Wicklund considered evidence

concerning decisions made by adolescents under 15, and this difference between SB 97 and the current law is not likely to affect the Court's analysis or cure the constitutional deficiencies of the legislation.

Given the strength of the 1995 Wicklund decision rejecting as unconstitutional an almost identical parental notice law, and a subsequent decision of the Montana Supreme Court solidifying Montana's strong privacy provisions not only generally. but specifically in the abortion context (Armstrong v. State, 1999 MT 261), I have chosen to veto SB 97.

Sincerely,

BRIAN SCHWEITZER
Governor

May 12, 2009
The Honorable Linda McCulloch
Secretary of State
State Capitol
Helena, MT 59620

Dear Secretary McCulloch:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby veto Senate Bill No. 106 (SB 106), **"AN ACT REQUIRING THE MONTANA ATTORNEY GENERAL TO FILE A MOTION TO JOIN THE FLORIDA LAWSUIT CHALLENGING THE CONSTITUTIONALITY OF PUBLIC LAW 111-148, THE PATIENT PROTECTION AND AFFORDABLE CARE ACT; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."**

SB 106 requires the Montana Attorney General, on behalf of the State of Montana, to file a motion to join a lawsuit now on appeal in the 11th Circuit Court of Appeals, challenging the constitutionality of the federal Patient Protection and Affordable Care Act. I oppose the bill for two reasons.

First, the Montana Constitution establishes the Montana Attorney General as the "legal officer of the state." MONT. CONST. Art. VI, § 4(4). The Montana Constitution also expressly establishes three distinct branches of government and prohibits one branch from exercising the powers of another. MONT. CONST. Art. III, § 1. I have been advised that the bill in its current form likely runs afoul of these provisions of the Montana Constitution. I understand that the Legislature, too, received an opinion from its own, former, chief legal counsel questioning the constitutionality of SB 106.

Second, any effort by the State of Montana to join the federal lawsuit will not be without cost to the state treasury. The lawsuit is proceeding on its own, without Montana's involvement, and Montana's

participation would have no bearing on the outcome. It is evident that despite costing taxpayers money, SB 106 is intended to serve a symbolic purpose, only.

I offered an amendatory veto to SB 106 to address both problems, but the Legislature rejected my proposal. I, therefore, have decided to veto the bill.

Sincerely,

BRIAN SCHWEITZER
Governor

May 10, 2011

The Honorable Linda McCulloch
Secretary of State
State Capitol
Helena, MT 59620

Dear Secretary McCulloch:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby veto Senate Bill No. 174 (SB 174), **"AN ACT PROHIBITING THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS FROM EXPENDING ANY FUNDS ON THE RELOCATION OR TRANSPLANTATION OF WILD BUFFALO OR BISON ON THE SPOTTED DOG WILDLIFE MANAGEMENT AREA; AMENDING SECTION 87-1-201, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."**

I issue this veto of SB 174 because, like other bison bills this past legislative session, its underpinnings lie not in scientific fact, but in the perpetuation of unfounded fears related to disease management and bison management. In this case, SB 174 unduly precludes the transplantation of disease-free bison to the Spotted Dog Wildlife Management Area (WMA). Increased tolerance for bison in Montana and relocation of bison to other suitable habitats and tribal lands was part of the court-ordered Interagency Bison Management Plan adopted in 2000, to which two state agencies and three federal agencies were parties. Proponents of SB 174 who helped write and agreed to that plan now seek to undermine it through this legislation.

The bison quarantine and relocation study was written over 6 years ago. In well over a dozen industry-sanctioned and federally-approved tests, the quarantined bison now available for relocation have in every instance tested negatively for brucellosis. These are quite possibly the most tested animals in the history of animal health management. No other group of animals has been tested so rigorously over such a long period of time.

The claim that these bison risk the spread of brucellosis, which is the underpinning for SB 174, is without merit. Those who do not believe the science apparently would throw out the entire

structure of the U.S. animal health system we have relied on for decades to control disease in livestock. I find this position a disturbing one, given the picture it presents to consumers about disease control and the safety of the entire U.S. food supply. Based on the very same testing protocol we rely on to assure disease-free animals across the country, these bison are at least as safe as any other animal in Montana, or the world, for that matter.
Also without merit are arguments that relocated bison somehow present inordinate property and safety risks. Given the existence of dozens of domestic bison herds throughout Montana, I question that assertion. Further, I note that Rock Creek Cattle Company, former owner of the Spotted Dog Ranch and still next door neighbor, has for many years been home to no less than 800 bison at a time. In fact, Rock Creek Cattle Company still runs bison next door to the Spotted Dog WMA.

The Fish, Wildlife, and Parks Commission currently has this issue under study, using a deliberative, open public process in which all parties have ample opportunity to weigh in. This public process will determine how and where wild bison can be successfully managed in Montana. Senate Bill 174 would halt this process before all facts are known, based on the fears of a few.

Sincerely,

BRIAN SCHWEITZER
GOVERNOR

May 6, 2011

The Honorable Linda McCulloch
Secretary of State
State Capitol
Helena, MT 59620

Dear Secretary McCulloch:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, for the following reasons, I hereby veto Senate Bill No. 198 (SB 198), **"AN ACT REVISING THE CONTENT OF FISCAL NOTES; AND AMENDING SECTIONS 5-4-201, 5-4-203, AND 5-4-205, MCA."**

Senate Bill 198 amends the law on fiscal notes involving bills estimated to have a fiscal impact exceeding $10 million in general fund money over the biennium. For these bills, the bulk of which are expected to be revenue bills, SB 198 upends the requirements of fiscal notes from objective, focused analyses of fiscal impacts to the state treasury to fiscal impacts to the private sector, along with subjective projections of "behavior changes" that will occur as a result of legislation.

Assessing the impacts of legislation on human behavior is problematic, at best. State agencies do not have the expertise to accurately estimate behavioral consequences of legislation. Even highly specialized economists trained in assessing such subjective outcomes as human behavior will

reach widely differing conclusions, based on their biases and assumptions. Likewise, many agencies have little or no expertise in analyzing the fiscal impact of legislation on the private sector. Absent the expertise and a uniform framework for making the assessment, fiscal notes written under SB 198 will either be overly general and meaningless or lack objectivity, credibility, and quality, thereby compromising the integrity of the fiscal note product produced by the Budget Office overall.

Sincerely,

BRIAN SCHWEITZER
GOVERNOR

May 12, 2009
The Honorable Linda McCulloch
Secretary of State
State Capitol
Helena, MT 59620

Dear Secretary McCulloch:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby veto Senate Bill No. 199 (SB 199), **"AN ACT REVISING CERTAIN PROVISIONS RELATED TO THE ADMINISTRATION OF INDIVIDUAL INCOME TAXES; REVISING THE UNIFORM PENALTY ASSESSMENTS ON DELINQUENT INDIVIDUAL INCOME TAXES AND CERTAIN OTHER TAXES; PROVIDING THAT INTEREST ASSESSMENTS ON DELINQUENT INCOME TAXES ARE BASED ONLY ON THE FEDERAL UNDERPAYMENT RATE ASSESSED AGAINST INDIVIDUAL INCOME TAXPAYERS; CLARIFYING THE TAXATION OF FEDERAL INCOME TAX REFUNDS; PROVIDING THAT UNDERPAYMENT INTEREST ON ESTIMATED INDIVIDUAL INCOME TAXES IS NOT REQUIRED UNDER CERTAIN CONDITIONS; AMENDING SECTIONS 15-1-216, 15-30-2110, AND 15-30-2512, MCA; AND PROVIDING EFFECTIVE DATES AND APPLICABILITY DATES."**

Senate Bill 199 reduces certain tax penalties, interest payments, and costs associated with delinquent taxpayers. The bill would diminish state revenue by $3.82 million in the 2013 biennium.

This reduction in revenue would not be an issue had I been able to coordinate SB 199 with Senate Bill 411 , which provided some offset of the lost revenue in SB 199 by raising certain penalty and interest charges for those who intentionally avoid their tax responsibilities. To balance the checkbook, however, SB 199 required an amended effective date, to delay its implementation until the new revenue from SB 411 is realized. Unfortunately, I was unable to offer an amendatory veto of SB 199, because legislative leadership refused to transmit the bill to me until after the session, despite the fact that the Director of the Department of

Revenue alerted leadership that an amendment was necessary. This delay prevented me from amending the two bills so as to reduce the cost of SB 199 to a fiscally responsible level.

Sincerely,

BRIAN SCHWEITZER
GOVERNOR

May 10, 2011

The Honorable Linda McCulloch
Secretary of State
State Capitol
Helena, MT 59620

Dear Secretary McCulloch:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby veto Senate Bill No. 201 (SB 201), **"AN ACT REQUIRING THAT A SMALL BUSINESS IMPACT ANALYSIS BE CONDUCTED PRIOR TO THE ADOPTION OF AN ADMINISTRATIVE RULE; DEFINING "SMALL BUSINESS"; AMENDING SECTION 2-4102, MCA; AND PROVIDING AN EFFECTIVE DATE."**

Senate Bill 201 is another bill falling in the category of a "solution in search of a problem." Under SB 201, prior to the adoption of administrative rules, executive branch agencies would be required to determine whether the proposed rule would impact small businesses and, if so, prepare a small business impact analysis of the proposed rule, as outlined in the bill. It is similar to another bill I vetoed today, HB 100, which would authorize fiscal notes containing business impact statements.

Although SB 201 was flagged by the majority party as one of its top 10 "jobs" bills, virtually all those who testified in support stated they have great working relationships with agencies, which listen to their concerns, and offered no examples of any executive branch agency that had ignored their comments during the rule-making process. Indeed, agencies often have worked through a statutorily-created negotiated rule-making process when developing their rules. At a minimum, current law already provides significant opportunity for public comment in the rulemaking process.

Finally, as with HB 100, I rhetorically ask: who is best-suited to explaining the impact of a proposed administrative rule on small businesses -agency bureaucrats or the small businesses, themselves? Senate Bill 100 may be "feel good" legislation, but the only "jobs" it would create would be through its meaningless "make work" requirements for agencies.
In sum, agencies should not be telling small businesses the impact of their rules on the

businesses. Businesses should be telling agencies, and in all instances, this administration welcomes their comments.

Sincerely,

BRIAN SCHWEITZER
GOVERNOR

May 13, 2011

The Honorable Linda McCulloch
Secretary of State
State Capitol
Helena, MT 59620

Dear Secretary McCulloch:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby veto Senate Bill No. 225 (SB 225), **"AN ACT REVISING QUALIFYING SMALL POWER PRODUCTION FACILITY LAWS; REQUIRING THE PUBLIC SERVICE COMMISSION TO SET RATES USING AVOIDED COST; REQUIRING THE COMMISSION TO CONSIDER ELECTRICITY SUPPLY RESOURCE PROCUREMENT PLANS AND INTEGRATED LEAST-COST RESOURCE PLANS WHEN CONSIDERING QUALIFYING SMALL POWER PRODUCTION FACILITY APPLICATIONS; ESTABLISHING INTERCONNECTION REQUIREMENTS; AMENDING SECTIONS 69-3-601, 69-3-602, AND 69-3-604, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."**

Senate Bill 225 amends Montana statutes implementing the federal Public Utility Regulatory Policies Act (PURPA) and related rules. The bill would both add to and subtract from the criteria that guide the Public Service Commission (PSC) in setting rates for small power production facilities. A prominent amendment to current law found in SB 225 is the direction given to the PSC to base power rates on a consideration of whether a small power production facility has attributes that "meet the needs of a utility as outlined in the utility's plan." Given that the utility's plan is a creation of the utility itself, this rate-setting criterion is totally circular and is in the exclusive self-interest of the utility. This self-serving criterion, which is not found in PURPA, appears contrary to the purpose of the federal law, making it an invitation to litigation.

Additionally, the intent of PURPA is to encourage substantial investments in new power facilities. As with any generation facility, the cost of these new power facilities can only be recovered over the long term. Therefore, it would be a critical mistake to strike the existing statutory language encouraging long-term contracts, which unfortunately is one of the things that SB 225 does.
I also ask legislators to recall that the key portion of SB 225, dealing with avoided cost, is duplicated by the content of HB 92, which was introduced at the request of the Energy and

Telecommunications Interim Committee following a request from the Public Service Commission itself, and which I have already signed into law.

Although I sought to cure these identified problems with SB 225 through an amendatory veto, the sponsor of the bill asked the Senate to pass consideration of my proposed amendments and, as a result, those improvements to the bill were never considered by the Legislature.
Given the problems that remain in the bill, I have chosen to veto it to avoid preemption issues, potential litigation, and confusion.

Sincerely,

BRIAN SCHWEITZER
GOVERNOR

May 10, 2011

The Honorable Linda McCulloch
Secretary of State
State Capitol
Helena, MT 59620

Dear Secretary McCulloch:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby veto Senate Bill No. 253 (SB 253), **"AN ACT REPEALING CERTAIN TAX CREDITS; REPEALING INDIVIDUAL INCOME TAX AND CORPORATE LICENSE TAX CREDITS FOR UTILIZING LOCAL GOVERNMENT EMPOWERMENT ZONES, THE CREDIT FOR ENERGY-CONSERVING INVESTMENTS AND EXPENDITURES, THE CREDIT FOR ALTERNATIVE FUEL MOTOR VEHICLE CONVERSION, THE CREDIT FOR NEW OR EXPANDED INDUSTRY, THE EMPOWERMENT ZONE NEW EMPLOYEES CREDIT, THE CREDIT FOR GEOTHERMAL SYSTEMS, THE CREDIT FOR INSTALLING ALTERNATIVE ENERGY SYSTEMS, THE CREDITS FOR ALTERNATIVE ENERGY GENERATION, THE CREDIT FOR MINERAL AND COAL EXPLORATION, THE CREDITS FOR THE RECYCLING OF MATERIAL, THE CREDIT FOR OILSEED CRUSHING FACILITIES, THE CREDIT FOR BIODIESEL OR BIOLUBRICANT PRODUCTION FACILITIES, "rHE CREDIT FOR BIODIESEL BLENDING AND STORAGE FACILITIES, AND "rHE CREDIT FOR INVESTMENT IN CAPITAL COMPANIES; REPEALING LOCAL GOVERNMENT EMPOWERMENT ZONES; REPEALING THE MONTANA CAPITAL COMPANY ACT; PROVIDING A TRANSITION FOR CREDITS THAT ARE SUBJECT TO A CARRYFORWARD; AMENDING SECTIONS 15-31-125, 15-32-104, 15-32-105,15-32-106,15-32-502, 176-302,17-6-311,17-6-312,17-6-313,30-10-105, 32-1-422, 75-2-103, AND 75-5-103, MCA; REPEALING SECTIONS 7-21-3701, 7-21-3702, 7-21-3703, 7-21-3704, 7-21-3710, 7-21-3715, 15-30-2319, 15-30-2320, 15-30-2356, 15-31-124, 15-31-134, 15-31137,15-32-109,15-32-115,15-32-201, 15-32-202,15-32-203,15-32-401,15-32-402, 15-32-404, 15-32-405, 15-32-406, 15-32-407, 15-32-501, 15-32-503, 15-32-504, 15-32505, 15-32-506,**

15-32-507, 15-32-508, 15-32-509, 15-32-601, 15-32-602, 15-32-603, 15-32-604, 15-32-609, 15-32-701, 15-32-702, 15-32-703, 33-2-724, 90-8-101, 90-8-102, 90-8-103, 90-8-104, 90-8-105, 90-8-106, 90-8-201, 90-8-202, 90-8-203, 90-8-204, 90-8205, 90-8-301, 90-8-302, 90-8-303, 90-8-304, 90-8-305, 90-8-311, 90-8-312, 90-8-313, AND 90-8-321, MCA; AND PROVIDING AN APPLICABILITY DATE."

I am at a loss for why the Legislature has presented this bill to me. SB 253 would repeal clean energy tax credits that have served as crucial agents of economic growth and jobs. To repeal these credits would be to subtract jobs in Montana's energy, construction, and agriculture sectors. In repealing these tax credits, SB 253 is also the single largest tax increase proposed by the 2011 Legislature. I have never raised taxes, and will not do so now.\

Sincerely,

BRIAN SCHWEITZER
GOVERNOR

April 29, 2011

The Honorable Linda McCulloch
Secretary of State
State Capitol
Helena, MT 59620

Dear Secretary McCulloch:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby veto Senate Bill No. 255 (SB 255), **"AN ACT REQUIRING THE FISH, WILDLIFE, AND PARKS COMMISSION TO FOLLOW CERTAIN CRITERIA FOR MAKING DECISIONS RELATING TO THE OPPORTUNITY TO HUNT OR FISH."**

Senate Bill 255 mandates the Fish, Wildlife, and Parks (FWP) Commission to undertake extensive additional bureaucratic process without associated benefits.

The fiscal note for this bill estimates an additional cost of over $1.4 million per biennium to meet these burdens, but no funding was included for the new requirements imposed by SB 255 in the general appropriations act, House Bill 2. I stand with Montana sportsmen, who believe their license dollars are better spent on more important hunting and fishing priorities.

In the midst of various competing interests and emotionally-charged issues, the FWP Commission conducts itself in an effective and transparent manner, providing several steps for significant public input along the way. Justifications for proposed changes to fish and game management decisions and data to support those changes are always included in recommendations from FWP to the Commission. Proposed changes are introduced to the Commission formally at regularly scheduled

and publicly advertised meetings. At those meetings public comment is taken, and if a proposal is tentatively adopted, it then goes out for at least a 3~-day public comment period. Additional public meetings are often held to consider complex regulations and proposals, and meetings are often held in locally-affected areas as well. All public comments are provided to the Commission for its review, as is a summary of public comments. Proposals are then returned to the Comrnission with any changes resulting from public comments, and are either approved, approved with changes, or denied by the Commission.

By way of example, the public process for adopting biennial hunting regulations starts with a public scoping process to identify significant issues. Scoping is followed by the adoption, in a Commission meeting, of proposed regulations that go out for public review and comment for at least 30 days, and includes 44 public meetings throughout the state. Finally. the process concludes with a public Commission meeting where all public comments are considered in the final adoption of the biennial hunting regulations.

Governing criteria and objectives related to fish and wildlife management are clearly defined in Montana statute and rule--probably more so than in any other aspect of state government. Additionally, many of these decisions go through Montana Environmental Policy Act review.
I see no benefit in adding to the already considerable public processes in place. All Commission business is conducted using sound scientific data, through a very public process, with recorded minutes available from each meeting. Be that as it may, I am directing the Department and the Commission to continue to meet the intent of this legislation by broadening as much as possible their public processes and, where necessary, more clearly spelling out management criteria and objectives.

Sincerely,

BRIAN SCHWEITZER
GOVERNOR

May 6, 2011

The Honorable Linda McCulloch
Secretary of State State Capitol
Helena, MT 59620

Dear Secretary McCulloch:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby veto Senate Bill No. 299 (SB 299), **"AN ACT AN ACT PROVIDING FOR THE OWNERSHIP OF THE CHANNEL AND FORMER CHANNEL OF A NAVIGABLE RIVER OR STREAM; PROVIDING THAT A FORMER CHANNEL IS OWNED BY THE ADJACENT LANDOWNER AND THE LAND UNDER THE NEW CHANNEL IS OWNED BY THE STATE; DEFINING THE TERM "NAVIGABLE"; PROVIDING RULEMAKING AUTHORITY; AMENDING**

SECTION 771-102, MCA; REPEALING SECTION 70-18-202, MCA; AND PROVIDING AN APPLICABILITY DATE."

Senate Bill 299 may be the singular piece of legislation passed by the 62nd Legislature to have slipped by with the gravest unintentional consequences. The bill primarily was intended to define the ownership of the channel of navigable waters altered through avulsion (see section 1 of SB 299). However, in the process of dealing with the subject of avulsion, SB 299 divests the State of its ownership of a large portion of the beds of navigable rivers -authority held by the State of Montana since passage of the Enabling Act by Congress in 1889 -contrary to well-settled federal and state constitutional law. See The Daniel Ball, 77 U.S. (10 Wall.) 557 (1870); Montana Coalition for Stream Access, Inc. v. Curran, 210 Mont. 38, 682 P.2d 163 (1984).

Specifically, SB 299 amends § 77-1-102, MCA -a statute addressing the administration of state lands that has remained unchanged since its enactment in 1937 -to define navigable rivers as only those that have been "adjudicated" navigable. By defining navigable rivers in this narrow way, SB 299 could be construed to divest the Land Board of its power to fulfill its constitutional duty to administer all the public trust lands granted to the State of Montana at the time of statehood, regardless of whether a river has been adjudicated. Under this scenario, SB 299 would unintentionally divest the State of its ownership of over approximately 1,500 miles of riverbed granted to the state at statehood.

I understand the 62nd Legislature used a similar narrow definition of "navigable" rivers in SB 35, which establishes a regulatory process for leasing beds of navigable rivers. Senate Bill 35 contained nine new sections of law, to be codified presumably as a new part in Title 77, chapter 1, MCA, for the exclusive purpose of establishing the regulatory scheme for leasing riverbeds. Senate Bill 35 also contains an express proviso that nothing in the bill "diminishes the state's ownership of the beds of navigable rivers, streams, or lakes under any other law." See section 1 (3) of SB 35. This limiting provision in SB 36 is markedly absent from SB 299, a bill which amends Montana's bedrock law regarding the administration of state lands and limits state ownership of those lands.

While I would not have objected to codifying the matter of the ownership interests, and therefore the tax consequences, of beds of streams and rivers whose channels have changed through avulsion, given the consequences of SB 299, I have no choice but to veto it. The amendments to the 1937 statute contained in SB 299 would affect the ability of the Land Board to fulfill its constitutional duty to administer all the public trust lands granted to the State at the time of statehood.

I strongly urge legislators to sustain my veto of SB 299.

Sincerely,

BRIAN SCHWEITZER
GOVERNOR

SENATE JOURNAL
ADDENDUM
62ND LEGISLATURE

May 12, 2011

The Honorable Linda McCulloch
Secretary of State
State Capitol
Helena, MT 59620

Dear Secretary McCulloch:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby veto Senate Bill No. 306 (SB 306), **"AN ACT CLARIFYING THE PROHIBITION OF CYANIDE HEAP AND VAT LEACH OPEN-PIT GOLD AND SILVER MINING; AND AMENDING SECTION 82-4-390, MCA."**

I issue this veto because SB 306 contradicts the decision, twice made by Montana voters, to restrict the use of cyanide to process ore from gold mines in the state. Ultimately the bill forces me to choose between the decision of the citizens of Montana and the decision of 91 members of the 62nd Montana Legislature. That is not a difficult choice.

I understand that Golden Sunlight Mine in Jefferson County is able to process ore from other mines, and that its lined impoundment has up to six million tons of capacity over and above the amount of tailings projected to result from currently approved operations at that site. Under current statute, the company has the ability and capacity to process ore and concentrates from operating underground mines and waste rock and tailings from abandoned mines. In fact, recently the Montana Department of Environmental Quality prepared plans to use Golden Sunlight to re-process tailings from the McLaren site in the New World Mining District near Yellowstone Park and to dispose of the remaining tailings at the Golden Sunlight repository. The plan was eventually abandoned, though not because of any legal constraints over the use of cyanide to reprocess the tailings at Golden Sunlight.

I believe the citizens of Montana knew what they were voting for when they first, in 1998, and again, in 2004, voted to restrict cyanide heap and vat leach open-pit gold and silver mining. I veto SB 306 because it contradicts the explicit will of Montana voters, and because it provides for mining activities that are already allowed by existing statute.

Sincerely,

BRIAN SCHWEITZER
GOVERNOR

SENATE JOURNAL
ADDENDUM
62ND LEGISLATURE

May 13, 2011

The Honorable Linda McCulloch
Secretary of State
State Capitol
Helena, MT 59620

Dear Secretary McCulloch:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby veto Senate Bill No. 307 (SB 307), **"AN ACT REVISING THE PRIVATIZATION PLAN REVIEW PROCESS; REQUIRING LEGISLATIVE INTERIM COMMITTEES TO SOLICIT PUBLIC INPUT ON TERMINATING OR PRIVATIZING PROGRAMS; REQUIRING THE LEGISLATIVE AUDITOR TO REVIEW THE RECOMMENDATIONS AND REPORT TO THE LEGISLATURE ON THE ADVANTAGES OR DISADVANTAGES OF TERMINATING OR PRIVATIZING A PROGRAM AND TO PROVIDE THE GOVERNOR WITH A COPY OF THE REPORT; AMENDING SECTIONS 2-8-102,2-8-105,2-8-301, AND 2-8-304, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."**

I have vetoed SB 307 because I oppose the major policy shift reflected in the bill to "bust" Montana's state employee unions. The distress caused to workers, residents, and other constituents in the 2011 session when the Legislature proposed privatizing the Montana Veterans Home in Columbia Falls would be repeated with regularity and on a permanent basis should SB 307 take effect. Senate Bill 307 would turn Montana's privatization law on its head.

Where current law requires executive branch agencies to explain and justify any considerations they may have to privatize a program by preparing a detailed privatization plan, including among other things a cost-benefit and qualitative analysis that would be subject to public review and scrutiny (see Title 2, chapter 8, part 3, MCA), SB 307 would institutionalize as the responsibility of every interim legislative committee the task of conSidering and recommending the privatization of programs as part of the committee's routine functions with no requirement that the detailed factors requiring analysis by executive branch agencies even be considered by the interim committees. Additionally, I object to the amendment to the definition of the term "privatize" in SB 307. While current law defines "privatizing" as contracting with the private sector for the performance of work currently conducted by public sector employees, under SB 307, privatizing would be defined as the transfer of the "control or management" of state government to the private sector. Montana's constitution provides that the control and management of government lies with its elected officials who are accountable to the people of Montana, not with the private sector. This amendment to the definition of the term "privatize' is extremely troublesome.

Further, I oppose the provision in SB 307 that strikes from current law the right of the public, bargaining agents or employee representatives, elected officials, legislators, and agency directors to submit to the legislative audit committee a request to review programs currently being conducted

under contract that may be administered more cost-effectively by the agency. This amendment, like the others, is contrary to sound public policy.

Finally, it is significant that this "pro-privatization" bill comes on the heels of a 2-year pay freeze in the current biennium, agreed to by some of Montana's most dedicated workers, its state employees, and following the Republican majority's rejection this session, for the first time in Montana history, of a pay plan negotiated between the administration and state workers for a meager 1% and then 3% delayed pay increase (the increases would have gone into effect in January 2012 and January 2013, respectively). Indeed, it is the state workers' agreement to a pay freeze in 2009 that is in part responsible for the fact that Montana is the envy of the states, with a budget surplus exceeding $300 million. This "pro-privatization" bill is an insult on top of injury to state workers. Shame on the Republican majority.

Sincerely,

BRIAN SCHWEITZER
GOVERNOR

May 13, 2011

The Honorable Linda McCulloch
Secretary of State
State Capitol
Helena, MT 59620

Dear Secretary McCulloch:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby veto Senate Bill No. 356 (SB 356), **"AN ACT CLARIFYING THE DEFINITION OF "GOOD CAUSE SHOWN" FOR A HEARING ON A TEMPORARY PRELIMINARY DECREE OR PRELIMINARY DECREE; AND AMENDING SECTION 85-2233, MCA."**

Senate Bill 356 amends the statute defining who has standing to object to a water right claim in the Montana Water Court and who is entitled to a hearing. The bill, as written, would grant standing only to a person with an ownership interest in an existing water right, permit, certificate, or state reservation. I believe the standing threshold in the bill, based on ownership status, alone, is insufficient and likely would not survive a constitutional challenge. For example, others with property or constitutional interests at stake that did not constitute "ownership" interests, such as those with leasehold interests or interests under Article IX, section 3(3) of the Montana Constitution. Denying a person the right to object to a water right claim when the person has a substantial interest in the matter raises serious constitutional due process issues that the bill does not address.

I proposed a simple amendment that would have defined those with standing to object as persons not only with an "ownership interest" but with a "leasehold, economic, or other substantial interest." Under my amendment, in order to have standing, an individual would have been required to demonstrate a real interest in the water right, and not simply a general interest as a member of the public. The difference is subtle but important. It would have comported with well-established standing law in Montana and eliminated the constitutional issues raised by SB 356 in its current form.

Since this sensible amendment was rejected, I am left with no choice but to veto the bill.

Sincerely,

BRIAN SCHWEITZER
GOVERNOR

May 13, 2011

The Honorable Linda McCulloch
Secretary of State
State Capitol Helena, MT 59620

Dear Secretary McCulloch:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby veto Senate Bill No. 358 (SB 358), **"AN ACT GENERALLY REVISING TAX INCREMENT FINANCING DISTRICT LAWS; PROVIDING FOR CREATION OF TARGETED ECONOMIC DEVELOPMENT DISTRICTS; ALLOWING COUNTIES TO CREATE TARGETED ECONOMIC DEVELOPMENT DISTRICTS AND TO USE TAX INCREMENT FINANCING; ADDING COMPONENTS THAT MUST BE INCLUDED IN AN URBAN RENEWAL PLAN; REMOVING PROVISIONS FOR CREATION OF AND BONDING IN TECHNOLOGY DISTRICTS, AEROSPACE TRANSPORTATION AND TECHNOLOGY DISTRICTS, AND INDUSTRIAL DISTRICTS; AMENDING SECTIONS 7-15-4282, 7-15-4283, 7-15-4284, 7-15-4286, 7-15-4288, 7-154290,7-15-4292,7-15-4293,7-15-4294, 7-15-4301, 7-15-4302, 7-15-4304, AND 7-154324, MCA; REPEALING SECTIONS 7-15-4295, 7-15-4296, 7-15-4297, 7-15-4298, 7-154299, AND 17-5-820, MCA; AND PROVIDING AN EFFECTIVE DATE."**

Tax increment financing is a helpful economic and community development tool but, as a matter of constitutional requirements and sound public policy, only works if appropriate sideboards are in place consistent with the purposes for which tax increment financing exists -to expand the Montana and local economies and reverse the economic and property value decline in targeted areas. Absent appropriate sideboards, these purposes are lost and tax increment financing stands to swallow up revenues to state and local government, with the potential to create problems of a constitutional magnitude. While SB 358 sought to make the formation of economic development-related tax increment districts more uniform, because the bill as passed lacks the

appropriate sideboards to satisfy the constitutional and policy tests, I have chosen to veto it.

The most important problem with SB 358 is one that would endanger the State's constitutional obligation to equalize the funding of schools. As passed, SB 358 allows new property values arising from centrally assessed property --mUlti-county pipelines, transmission lines, railroads, and the like --to be included in targeted economic development districts, even though the economic decisions that create the investment in such property are not a product of local economic development efforts, but rather a result of national and international economic factors. Hence, it is not appropriate for a local government to capture their value --to the tune of tens of millions of dollars a year taken away from state school funding --in an effort to prop up the financing of a targeted economic development district.

Let me give a real world example. If the local governments along the Keystone XL pipeline were to take unfair advantage of S8 358 and capture the taxable value of the pipeline for local tax increment districts, $20 million a year in property tax revenue for state school funding would be lost. Given the 30-year average life of tax increment districts, the state, over that time, would lose $600 million in state school funding.

Lest you think that is an unlikely scenario, one county already has sought to misuse tax increment financing laws to divert major state school equalization property revenues to local uses by creating a tax increment district comprising 512 square miles along an interstate pipeline route -or one third of that county's land area. That particular case is the subject of an ongoing lawsuit. S8 358 as presented to me provides a green light for these same questionable practices to spread elsewhere with serious fiscal consequences for school funding across the state.
In addition to endangering adequate funding of schools in Montana as required by Montana's constitutional equalization standards, S8 358 is flawed in that it:

- does not require economic development planning for the new targeted economic districts sufficient to ensure a well-defined relationship between the growth being planned and the infrastructure to be financed to support that growth;

- allows property that has no relationship to the purposes of a targeted economic development district to be included in a district on an unlimited basis; and

- fails to ensure proper collaboration and accountability among governmental units regarding tax revenues that are diverted to use by tax increment districts.

I submitted an amendatory veto to correct these combined problems, but in spite of the fact that my amendments were in the hands of the Legislature for 10 days prior to adjournment sine die, they were never voted on by either chamber.

Montana has a tax increment law that works well without the passage of S8 358, and my veto of S8 358 will not hamper the effective functioning of tax increment financing as an economic development tool. While local infrastructure to support economic development is important, it cannot come at a grave, overly-broad cost to the state that risks compromising school equalization

required by the Montana Constitution, which we have spent so many years litigating, improving, and protecting from another challenge. As passed, S8 358 abandons that responsibility and, because of that, I have chosen to veto it.

Sincerely,

BRIAN SCHWEITZER
GOVERNOR

May 12, 2011

The Honorable Linda McCulloch
Secretary of State
State Capitol
Helena, MT 59620

Dear Secretary McCulloch:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby veto Senate Bill No. 366 (SB 366), **"AN ACT GENERALLY REVISING THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES' RESPONSIBILITIES REGARDING ADMINISTRATION OF THE TEMPORARY ASSISTANCE TO NEEDY FAMILIES PROGRAM REQUIRING THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES TO ADOPT REGULATIONS REQUIRING A 30-DAY SUSPENSION OF TEMPORARY ASSISTANCE FOR NEEDY FAMILIES BENEFITS WHEN AN ADULT FAMILY MEMBER VOLUNTARILY QUITS A JOB; REQUIRING COMPLETION OF ALL WORK ACTIVITIES FOR THE BENEFIT PERIOD BEFORE RECEIPT OF BENEFITS; AND AMENDING SECTION 53-4-212, MCA."**

Senate Bill 366 would change Montana's Temporary Assistance to Needy Families Program (TANF) by imposing a 30-day waiting period for benefits when an applicant has voluntarily quit a job of 20 hours/week or more without good cause and by requiring the Department of Public Health and Human Services (DPHHS) to establish what is called a "pay for performance" requirement, under which a TANF recipient could not receive the benefit until after the required work was performed.

TANF benefits assist not only parents who voluntarily leave their employment, they assist children. Additionally, Montana already requires TANF recipients to work 30 hours/week as a condition of receiving benefits, along with a progressive sanction period, which works well, if recipients do not perform the required work, up to and including denial of benefits. Because these benefits are available to assist families in times of crisis, I believe it is not constructive to make the families wait 30 days, until the end of the benefit period, after they have completed their work assignments, to receive the benefit.

I proposed amendments to SB 366 to lessen the hardship on families and children, but the Legislature chose to reject my amendments. For the reasons above, I have vetoed the bill.

Sincerely,

BRIAN SCHWEITZER
GOVERNOR

May 6, 2011

The Honorable Linda McCulloch
Secretary of State
State Capitol Helena, MT 59620

Dear Secretary McCulloch:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby veto Senate Bill No. 379 (SB 379), **"AN ACT GENERALLY REVISING COUNTY ZONING LAWS; REVISING PROCEDURES FOR THE ESTABLISHMENT OR REVISION OF BOUNDARIES FOR A ZONING DISTRICT AND THE ADOPTION OR AMENDMENT OF ZONING REGULATIONS; CLARIFYING ZONING PROTEST REQUIREMENTS; PROVIDING THAT A BOARD OF COUNTY COMMISSIONERS MAY VOTE TO OVERRIDE A SUCCESSFUL PROTEST UNDER CERTAIN CIRCUMSTANCES; REQUIRING THE BOARD OF COUNTY COMMISSIONERS TO DEVELOP FINDINGS OF FACT TO OVERRIDE A ZONING PROTEST; CLARIFYING PROCEDURES FOR THE ADOPTION OF ZONING REGULATIONS AND BOUNDARIES; AMENDING SECTIONS 76-2-101 AND 76-2205, MCA; AND PROVIDING A CONTINGENT EFFECTIVE DATE."**

Current Montana law sets forth a complex procedure for counties to successfully enact county-initiated zoning (so-called "Part 2" zoning, authorized under Title 76, chapter 2, part 2, MCA), to promote the public health, safety, morals, and general welfare. These provisions recently have been challenged in several Montana counties as an unlawful delegation of legislative authority to private parties (under the current statute, for no reason or any reason, certain landowners may override a county commission, which must make its decisions based on legal criteria to protect the public interest) and a violation of equal protection (only certain landowners are authorized to protest).

In expressed anticipation of a Montana Supreme Court decision holding the current protest provisions unconstitutional, SB 379 provides statutory changes that would take effect only if and when such a court decision is issued. The changes under SB 379, however, are deficient from the get-go, as they fail to remedy the bases for the legal challenges to the current law and would continue to allow and further impair the ability of county commissioners to prevent a few large landowners from blocking zoning regulations meant to promote the public interest of all the residents in the community.

First, SB 379 provides county commissioners with the ability to override a zoning protest, but makes that override exceedingly difficult to attain by requiring a supermajority vote of the county commission. Current law provides that if a certain percentage of specific landowners protest a county's adoption of Part 2 zoning, county commissioners cannot adopt the proposed zoning. Under SB 379, if a certain percent of landowners in the proposed district protest the proposed zoning, the landowner protest could be overridden, but only by a unanimous vote of the commission in the majority of Montana counties. Senate Bill 379 also extends these same protest provisions and override requirements to citizen-initiated zoning, known as "Part 1" zoning (codified at Title 76, chapter 2, part 1, MCA).

Second, in order to even consider an override, SB 379 would require county commissions to analyze the potential economic impact of the proposed zoning action on the property values of only the protesting landowners (not other landowners) and make a finding that no less restrictive means exist to promote the public interest. These heightened and selective standards for the adoption of zoning are not consistent with the well-settled rational basis review of local zoning regulations. They are unnecessary, unreasonable, and counterproductive.

In short, the protest provisions contained in SB 379 elevate the rights of a minority of landowners over the rights of the community as a whole, and over other landowners whose quality of life and economic interests may also be affected -whether positively or negatively -by zoning. Moreover, if SB 379 takes effect because the current law is found to be unconstitutional, its provisions do not appear to remedy the current statutes being challenged. Local government officials should not be unreasonably limited in their ability to protect the interests of all their residents and the long-term development goals of their communities. It is for these reasons that I have vetoed SB 379.

Sincerely,

BRIAN SCHWEITZER
GOVERNOR

April 29, 2011

The Honorable Linda McCulloch
Secretary of State
State Capitol Helena, MT 59620

Dear Secretary McCulloch:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby veto Senate Bill No. 402 (SB 402), **"AN ACT PROVIDING FOR SPRING WOLF HUNTS; ESTABLISHING FEES FOR SPRING WOLF HUNTING LICENSES; AMENDING SECTIONS 87-1-304, 87-2-523, 87-2-524, AND 87-5-131, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."**

SENATE JOURNAL
ADDENDUM
62ND LEGISLATURE

Senate Bill 402 was introduced in anticipation of federal delisting of wolves from the Endangered Species Act. According to proponents, Montana "lost" the fall 2010 hunting season to the relisting of wolves earlier in the year, and SB 402 was an effort to allow, essentially for the purposes of just the current year, a spring hunt of wolves. This legislation provides a mandate for this single-year spring hunt, despite numerous biological, administrative, and practical difficulties associated with such a hunt.

In federal legislation recently shepherded through Congress by U.S. Senator Jon Tester, wolves have been delisted. This uncommonly helpful congressional action was passed in uncommonly quick fashion. At the moment, Montana awaits the necessary federal regulations and protocols for implementation of the recent delisting, which I understand may take up to 60 days. For purposes of a hunt, that timeline would put Montana into the middle of June, at which time the Fish, Wildlife, and Parks (FWP) Commission would take up matters such as season-setting, quotas, hunting districts, public input, and license sales. The net result is that Montana would be looking at July or August for its "spring hunt," even as we expect fall wolf hunting in the backcountry to begin in mid-September. Because of these difficulties with timing, and for practical reasons involving the mingling of hunting seasons, and for the sake of public safety during the summer months when Montana families are enjoying other activities in the woods, I believe a wolf hunt outside of fall to be unworkable and ill-advised. In any event, stated otherwise, it is not practically possible for a "spring hunt" to occur, as S8 402 would require.

There are several biological and social reasons why a spring wolf hunt is further ill-advised. Female wolves with pups will be vulnerable and tied to their dens. Montana has long-avoided hunting during these times, due not only to biology, but social acceptance. The prospect of field-dressing pregnant females or the likelihood of starving, abandoned pups does not meet ethical standards of fair chase or humane treatment of animals. Further, wolves are undernourished and in their poorest condition coming into the spring, and the young are immature through the summer. The harvest of animals in poor condition with mangy pelts and the taking of underdeveloped animals are not what most Montanans have in mind when buying a hunting license. FWP and the Commission already have the authority to set any season that is appropriate to the agency's mission, including a special season for wolves as circumstances may dictate. However, a statutory setting of mandatory hunting without consideration of these broader implications, in my opinion is ill-advised.

Additionally, FWP has a wolf management plan, and the substance of that plan helped secure passage of Senator Tester's legislation to de-list wolves in Montana. Enactment of SB 402 has the potential to jeopardize Montana's delisted status, a result none of us desire. Ultimately, delisting was facilitated by Montana's sensible and scientific approach.

Montana will indeed have a wolf hunt this fall, and I am not willing to jeopardize recent hardfought gains to put wolf management back where it belongs, in the hands of the state. I respectfully ask for your support to sustain my veto.

Sincerely,

BRIAN SCHWEITZER
GOVERNOR

May 11, 2011

The Honorable Linda McCulloch
Secretary of State
State Capitol
Helena MT 59620

Dear Secretary McCulloch:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby veto Senate Bill 406, **"AN ACT AUTHORIZING A PROPERTY TAXPAYER THAT OBJECTS TO THE ASSESSED VALUATION OF CERTAIN TYPES OF PROPERTY TO HAVE THE ASSESSED VALUATION SUBJECT TO MEDIATION; REQUIRING PAYMENT OF A FEE AND PROVIDING PROCEDURES FOR MEDIATION; ALLOWING AN OBJECTING TAXPAYER TO APPEAL THE ASSESSED VALUATION OF THE PROPERTY DIRECTLY TO DISTRICT COURT IF MEDIATION IS UNSUCCESSFUL; PROVIDING THAT THE UNIFORM DISPUTE REVIEW PROCEDURE DOES NOT APPLY TO THE ASSESSMENT OF CENTRALLY ASSESSED PROPERTY OR INDUSTRIAL PROPERTY THAT IS ASSESSED ANNUALLY BY THE DEPARTMENT OF REVENUE; AND AMENDING SECTIONS 15-1-211, 15-1-402, 15-2-302, 15-8-601, 1515-102,15-23-102,15-23-104, AND 15-24-3112, MCA."**

Senate Bill 406 would give large, industrial corporations and other centrally-assessed taxpayers the right to force the Department of Revenue into a mediation session over the valuation of their property. If the corporation were unhappy with the mediation decisions, SB 406 would give the company the right to bypass all hearings at the County and State Tax Appeal Board and file a claim directly in any district court where the company has property.

This sweetheart deal of a bill, in essence, would give a select group of large corporate tax-payers unprecedented control on when, where and how their tax appeals will be handled. It would them a shot at tax breaks at the expense of homeowners, farmers, ranchers and other small businesses who can't afford to hire expensive lawyers to help them wiggle out of paying their taxes.

SB 406 also has a cost. By replacing the State Tax Appeals Board's expertise in making valuations with the testimony of hired-gun experts in district courts, the bill would increase litigation costs to the public. At the hearings on this bill, the proponents were candid about these effects being intended to drive the Department of Revenue to the negotiating table and settle claims. But the taxpayer cost of settling these cases would generally two to four times higher than taking these cases through the normal appeals process. The Department has estimated that under the bill, corporations that perennially appeal their taxes as an inherent corporate strategy would win double to quadruple settlement bonuses-with the cost shifted unfairly to smaller taxpayers.

Sincerely,

BRIAN SCHWEITZER
GOVERNOR

April 29, 2011

The Honorable Linda McCulloch
Secretary of State
State Capitol
Helena MT 59620

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby veto Senate Bill No. 415 (SB 415), **"AN ACT GENERALLY REVISING LAWS RELATED TO OIL AND GAS LEASES; DEFINING TERMS; CLARIFYING THAT THE LESSEE PAYS THE COSTS OF PRODUCTION FROM THE WORKING INTEREST; REQUIRING THE STATE TO SHARE THE EXPENSE OF TRANSPORTING THE OIL TO THE NEAREST MARKET BASED ON THE STATE'S PROPORTIONAL SHARE OF THE ROYALTY INTEREST; AND AMENDING SECTIONS 77-3-432, 77-3-434, AND 82-10-110, MCA."**

SB 415 seeks to force the State Board of Land Commissioners (Land Board) to enter into "wellhead" oil and gas contracts with oil and gas producers. The Board has been utilizing, and for decades companies have been complying with, "gross proceeds" oil and gas contracts with producers. Wellhead contracts fix the point of royalty valuation at the wellhead, thus allowing deductions for compression and transportation to be taken from the royalty value received by the state's school trusts. Gross proceeds contracts place the point of royalty valuation at the location where oil and gas production is rendered marketable and sold.

The courts have recognized gross proceeds contracts as a legitimate provision in oil and gas leases, and have recognized that such contracts are properly interpreted as not allowing deductions from the point of sale back to the wellhead. This type of contract is obviously more equitable to the state, as the school trust receives the royalty share based on the gross revenue obtained by the producer. Wellhead contracts are typically

offered by producers to private mineral owners because they allow royalty deductions favorable to the oil and gas producer. The Land Board, on behalf of the school trusts, has chosen not to utilize industry-developed contract terms. Not all private mineral owners accept industry-developed contract terms. Likewise, the federal government and many other oil &gas producing states do not utilize industry contract terms. Finally, it remains unclear whether placement of SB 415's new sections 1 and 2 into Title 82 negatively affects private mineral owners in a similar manner.

The fiscal impacts are potentially significant approximately $1.0 million over the next four years, increasing to $2.5 million per year over the long term. These figures are supported by the fact that recent audits recovered $1.2 million in school trust revenue that would not have been received under SB 415.

As drafted, SB 415 would usurp the Land Board's constitutional authority to determine oil and gas lease contract terms that are in the best interest of the state's school trusts. Additionally, other Montana mineral owners could be affected. For these reasons I veto SB 415.

Sincerely,

BRIAN SCHWEITZER
GOVERNOR